



December 19, 2019

6:00 P.M.

Medford City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Employee Recognitions

30. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

40. Approval or Correction of the Minutes of the December 5, 2019 Regular Meeting

50. Consent Calendar

50.1 COUNCIL BILL 2019-130

A resolution establishing a public hearing date for the vacation of the right-of-way, running roughly east to west, for the portion of Austin Street between Riverside Avenue and the Pine Street intersection. (SV-19-047)

50.2 COUNCIL BILL 2019-131

An ordinance awarding an annual contract not to exceed \$65,250 to CFM Strategic Communications, Inc. (CFM) to provide government relations services to the City of Medford. Total contract cost is \$391,500 if renewal options are exercised.

50.3 COUNCIL BILL 2019-132

A resolution adopting the third Supplemental Budget for the 2019-21 biennium.

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2019-123 – Continued from November 21, 2019

A resolution approving a Jackson County order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district.

70.2 COUNCIL BILL 2019-124 – Continued from November 21, 2019

A resolution approving a Jackson County order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district, except for the City of Talent.

80. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

80.1 COUNCIL BILL 2019-133

An ordinance adopting the 2019 Oregon Structural Specialty Code, Oregon Mechanical Specialty Code, and Zero Energy Ready Commercial Code (formerly Oregon Energy Efficiency Specialty Code) and amending Sections 9.100, 9.101, 9.110, 9.120, 9.150, 9.200, 9.250, 9.251, 9.253, 9.254, 9.300, 9.500, 9.501, 9.503, 9.504, 9.510, 9.511, 9.520, 9.531, 9.532, 9.533, 9.550, 9.560, 9.570, 9.571, 9.572, 9.575, 9.600, 9.602, 9.610, 9.615, 9.620, 9.625, 9.630, 9.635, 9.637, 9.640, 9.645, 9.650, 9.655, 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, 9.707, 9.800, and adding Sections 9.565, 9.810, 9.820, 9.830, and 9.840 of the Medford Municipal Code to include necessary changes as a result of adopting the 2019 codes and housekeeping corrections.

90. Council Business

90.1 Proclamations issued: None

90.2 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports

110. Adjournment



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Consent Calendar
MEETING DATE: December 19, 2019

COUNCIL BILL 2019-130

A resolution establishing a public hearing date for the vacation of the right-of-way, running roughly east to west, for the portion of Austin Street between Riverside Avenue and the Pine Street intersection. (SV-19-047)

SUMMARY AND BACKGROUND

Council is requested to consider a resolution establishing a public hearing date for the vacation of public right-of-way, running roughly east to west, for the portion of Austin Street between Riverside Avenue and the Pine Street intersection. (File No. SV-19-047)

PREVIOUS COUNCIL ACTIONS

No previous Council actions have been identified for this item.

ANALYSIS

The subject right-of-way lies between tracts of land that are owned by the applicant, Kids Unlimited of Oregon. Kids Unlimited operates a charter school on several parcels to the north of the subject site through a Conditional Use Permit. Kids Unlimited recently bought the property located at 801 N. Riverside, which lies directly south of the area proposed to be vacated; they plan to add services associated with the charter school to the existing building on this site. In order to provide for better and safer pedestrian connectivity and circulation, the applicant would like this section of right-of-way to be vacated, effectively closing Austin Street between N. Riverside Avenue and Pine Street. Any traffic impacts are to be determined during the application review process.

The closure of this segment of Austin Street is not considered by the Liberty Park Neighborhood Plan, but the plan does recommend an enhanced pedestrian street crossing in the vicinity. Planning and Urban Renewal staff will review the proposal and provide comments and recommendations as part of the review process.

The applicant has requested that Council initiate the Vacation process for this portion of right-of-way as provided in MLDC 10.228(C) and ORS 271.130.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Under certain circumstances, ORS 271.130 would require the City to pay damages if an approved right-of-way vacation harmed the property values of affected properties. Whether or not property owners would be adversely affected can be explored through the public hearing process. There is no financial or resource consideration to initiating the public hearing process for a potential right-of-way vacation.

TIMING ISSUES

None.



COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution setting the public hearing date of February 6, 2020.

SUGGESTED MOTION

I move to approve the resolution setting the public hearing date of February 6, 2020.

EXHIBITS

Resolution

Applicant's letter to City Council requesting initiation of the vacation

Legal description

Vicinity Map

RESOLUTION NO. 2019-130

A RESOLUTION establishing a public hearing date for the vacation of the right-of-way, running roughly east to west, for the portion of Austin Street between Riverside Avenue and the Pine Street intersection. (SV-19-047)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON: that the City Council initiates vacation proceedings with regard to the vacation of the right-of-way, running roughly east to west, for the portion of Austin Street between Riverside Avenue and the Pine Street intersection, and that at 6:00 p.m. on the 6th day of February, 2020, in City Hall Council Chambers, 411 W. 8th Street, Medford, Oregon, there shall be a public hearing before the City Council on the question of vacating said property and the City Recorder is directed to give notice of the hearing in accordance with ORS 271.110.

PASSED by the Council and signed by me in authentication of its passage this ____ day of December, 2019.

ATTEST:

City Recorder

Mayor



Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

June 24, 2019

RECEIVED
JUN 25 2019
PLANNING DEPT.

Medford City Council
411 W 8th St Room 310
Medford, OR 97501

Councilors,

On behalf of Kids Unlimited of Oregon, I would like to request the City Council of Medford initiate a vacation of public right of way for the portion of Austin Street from the Riverside Avenue intersection to the Pine Street intersection.

Kids Unlimited of Oregon operates a Charter School at their 821 N Riverside Avenue. They have acquired the building at 801 N Riverside and seek to fully integrate the new building into their program.

The vacation of right of way will greatly improve the safety of the students moving around the campus.

Regards,

Scott Sinner, President
Scott Sinner Consulting, Inc.



4401 San Juan Drive, Suite G
Medford, Oregon 97504

Phone and Fax 541-772-1494
541-772-0917

Email scottsinner@yahoo.com

EXHIBIT #
FILE # SV-19-047

★
RECEIVED

OCT 31 2019

PLANNING DEPT.



EXHIBIT "A"

LEGAL DESCRIPTION – AUSTIN STREET VACATION
KIDS UNLIMITED – 801 & 821 NORTH RIVERSIDE AVENUE
ASSESSOR'S MAP NO. 37 1W 19 CC, Tax Lot 3500 &
ASSESSOR'S MAP NO. 37 1W 19 CB, Tax Lots 3600 & 3700

A Public Street Vacation of that portion of Austin Street between North Riverside Avenue and Pine Street, lying adjacent to Tract B and Tract D of the lands described within Document No. 2005-002440 and that tract of land described within Document No. 2019-007321 of the Official Records in Jackson County, Oregon, lying situate within the Southwest Quarter of Section 19, Township 37 South, Range 1 West of the Willamette Meridian in the City of Medford, Jackson County, Oregon, being more particularly described and bounded as follows, to wit;

Beginning at the Northeast corner of Lot 3, Block 5, Meeker's Addition to the City of Medford, Oregon, recorded on November 8, 1888 in Volume 17, Page 1 of the Plat Records in Jackson County, Oregon; thence South 89°57'19" West, along the north line of said Block 5, 199.07 feet, to the west line of that ten foot strip of land vacated by City of Medford Ordinance No. 1999-177; thence North 19°18'38" West, along the northwesterly prolongation of said west line, 28.68 feet to a point of curvature; thence 22.09 feet along the arc of a 28.10 foot radius curve to the left, having a delta angle of 45°02'34" (Chord bearing North 41°49'55" West, 21.53 feet); thence North 00°02'39" West, 6.87 feet to the north line of Austin Street, common with the south line of Block 2, Edwards Addition to the City of Medford; thence North 89°57'19" East, along said south line, to a 5/8 inch iron pin at an angle point for a street dedication described in Document No. 2017-013017 of the Official Records in Jackson County, Oregon; thence North 34°06'33" East, 13.35 feet to a 5/8 inch iron pin along North Riverside Avenue; thence South 19°49'37" East, along a line being 33.00 feet southwesterly from and parallel with the centerline of said North Riverside Avenue, a distance of 38.30 feet to intersect the centerline of Austin Street; thence North 89°57'19" East, along said described centerline, 3.42 feet to a point being 30.00 feet at right angles to said centerline of North Riverside Avenue; thence South 18°37'26" East, parallel with and 30.00 feet southwesterly from said described centerline, 26.37 feet to the POINT OF BEGINNING.

Containing 10,031 square feet, more or less.

The Basis of Bearing for his description is the centerline of Austin Street as denoted on Survey No. 22478, on file in the office of the Jackson County Surveyor.

Prepared by:

Shawn Kampmann
Professional Land Surveyor

Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520

Date: October 4, 2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1998
SHAWN KAMPMANN
02883LS

RENEWAL DATE: 6/30/21

s:\surveys\1000-15\Austin Street Vacation Legal.docx

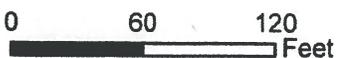


Project Name:

**Vacation of Public
 Right-of-Way**

Map/Taxlot:

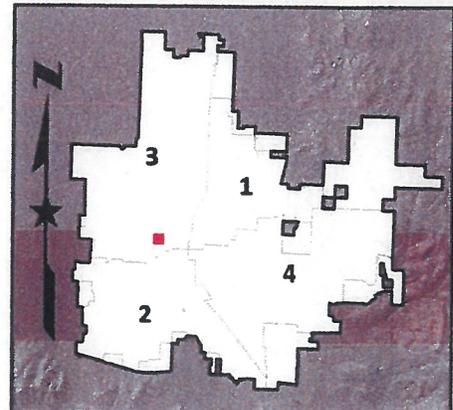
**371W19CC TL 3500
 371W19CB TL 3600 & 3700**



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

06/26/19





AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager’s Office

PHONE: 541-774-2000

STAFF CONTACT: Donna Holtz, Chief Administrative Officer

AGENDA SECTION: Consent Calendar

MEETING DATE: December 19, 2019

COUNCIL BILL 2019-131

An ordinance awarding an annual contract not to exceed \$65,250 to CFM Strategic Communications, Inc. (CFM) to provide government relations services to the City of Medford. Total contract cost is \$391,500 if renewal options are exercised.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance authorizing an agreement with CFM Strategic Communications, Inc. (CFM) to provide government relations services to the City of Medford.

On December 5, 2019 the City Manager discussed the outcome under City Manager Reports to award a contract to CFM Strategic Communications, Inc. (CFM) at the December 19, 2019 meeting.

The agreement period shall commence on January 1, 2020 through December 31, 2021, with two (2) two (2) year renewal options. The first renewal year would run January 1, 2022 through December 31, 2023 with the second renewal year commencing January 1, 2024 and ending December 31, 2025.

PREVIOUS COUNCIL ACTIONS

On September 17, 2015 Council Bill 2015-93 was adopted awarding CFM Strategic Communications, Inc. a one-year contract in an amount not to exceed \$64,800 to CFM Strategic Communications, Inc., to provide government relations services, with three one-year renewal options.

ANALYSIS

The City of Medford issued a Request for Proposals (RFP) for Federal government relations services to assist the City with development of a federal strategy, implementation plan and agenda for the Congressional sessions. Three (3) agencies responded to the RFP. A screening committee scored the applications based on the following set of criteria:

Respondent	Process & Methodology Used in Performing Work 25 points	References 15 points	Prior Experience in Performing Similar Work 20 points	Ability to Communicate 30 points	Cost 10 points	Total Points	Rank
Van Scoyoc Associates	91	52	72	106	25	346	2
CFM Strategic Communications	96	60	79	113	40	388	1
Strategies 360	55	57	62	94	28	296	3

CFM will provide the City with Federal government relations services. This will include evaluating funding opportunities, identifying and tracking issues affecting the City, assisting and managing all aspects of City officials’ travel to Washington D.C and reporting expectations. Additionally CFM will act



AGENDA ITEM COMMENTARY

as the City's governmental relations representative and advocate in matters related to Federal funding opportunities and legislative, regulatory and executive issues affecting the City, and performing other duties as assigned.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The agreement is not to exceed \$65,250 annually with a total contract cost of \$391,500 if renewal options are exercised.

TIMING ISSUES

The previous agreement with our government relations agency expires December 31, 2019.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing an agreement with CFM Strategic Communications, Inc. (CFM) to provide Federal government relations services to the City of Medford.

EXHIBITS

- Ordinance
- Agreement on file in the City Recorder's Office.

ORDINANCE NO. 2019-131

AN ORDINANCE awarding an annual contract not to exceed \$65,250 to CFM Strategic Communications, Inc. (CFM) to provide government relations services to the City of Medford. Total contract cost is \$391,500 if renewal options are exercised.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an annual contract not to exceed \$65,250 to CFM Strategic Communications, Inc. (CFM) to provide government relations services to the City of Medford. Total contract cost is \$391,500 if renewal options are exercised, which is on file in the City Recorder's office, is hereby awarded.

PASSED by the Council and signed by me in authentication of its passage this ____ day of December, 2019

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Finance

PHONE: (541) 774-2030

STAFF CONTACT: Ryan Martin, CFO/Deputy City Manager

AGENDA SECTION: Consent Calendar

MEETING DATE: December 19, 2019

COUNCIL BILL 2019-132

A resolution adopting the third Supplemental Budget for the 2019-21 biennium.

SUMMARY AND BACKGROUND

Council is requested to consider a third supplemental budget for the 2019-21 biennium which will affect seven departments and twelve funds.

The total impact is a \$152,982 increase in appropriations for the 2019-21 biennium. ORS 294.471 provides for a Supplemental Budget process.

PREVIOUS COUNCIL ACTIONS

On June 6, 2019, City Council approved Resolution 2019-45 adopting the 2019-21 Biennium Budget.

On August 1, 2019, City Council approved Resolution 2019-78 adopting the first Supplemental Budget for the 2019-21 Biennium.

On September 19, 2019, City Council approved Resolution 2019-105 adopting the second Supplemental Budget for the 2019-21 Biennium.

ANALYSIS

Finance Department

Appropriation Transfer

The Finance Department is requesting two appropriation transfers; one for credit card fees and the other to fund the centralized purchasing organization, as well as moving a position from Fire to Payroll. Credit card fees were budgeted in various department budgets that will not be spent because they are being paid by Finance as a result of implementing credit card user fees. Staff was budgeted in Engineering, Facilities Maintenance, Police and Public Works Operations to perform primarily purchasing functions. These positions are moving to Finance to centralize purchasing functions.

Financial Impact to Budget:

- \$560,587 increase to Finance M&S (Fund 100)
- \$100,000 decrease to Building M&S (Fund 400)
- \$92,900 decrease to Street Utility M&S (Fund 500)
- \$88,428 decrease to Storm Drain Utility M&S (Fund 501)
- \$88,428 decrease to Sewer Collection Utility M&S (Fund 502)
- \$29,894 decrease to Sewer Treatment Utility M&S (Fund 503)
- \$86,937 decrease to Gas Tax M&S (Fund 530)
- \$74,000 decrease to Parking M&S (Fund 701)



Public Works

Public Works is requesting an appropriation transfer to replace a compressor in the Fleet Shop that was not anticipated at the time the budget was prepared. The current compressor has over 17,000 hours of run time and has suffered a major internal failure. The new compressor is an energy efficient model that should reduce utility expenses, and is eligible for an \$1,800 rebate.

Financial Impact to Budget:

\$20,000 increase to Capital Outlay (Fund 540)

\$20,000 decrease to Contingency (Fund 540)

Fire

The Fire Department is requesting a supplemental budget to appropriate unanticipated revenue in the amount of \$16,200. The funds were received from two sources: the State Fire Marshall and an estate donation. The State Fire Marshall reimbursed the City for hazardous materials training as well as the City's response to a hazardous materials incident located in Ramsey Canyon, twelve miles north of Eagle Point. Medford Fire and Police departments were gifted money from the Karger Estate. While the majority of the Karger bequest was distributed in December 2018, a portion was held back for the purpose of settling the estate's tax liability. The Fire Department received a final distribution in the amount of \$4,331 which will be utilized to offset an increase in metal tariffs associated with the purchase of a new ladder truck.

Financial Impact to Budget:

\$3,320 increase to State Grants (Fund 100)

\$4,330 increase to Donations (Fund 100)

\$8,550 increase to Fire Apparatus Reserve (Fund 370)

\$7,650 increase to Fire Operations Personnel Overtime (Fund 100)

\$8,550 increase to Fire Apparatus General Equipment (Fund 370)

Police

Supplemental Budget

The Police Department is requesting a supplemental budget to appropriate unanticipated revenue from several sources as follows:

- The 2019 Edward Byrne Memorial Justice Grant in the amount of \$52,764 to replace mission critical portable radio equipment and Automated License Plate Reader Systems (ALPRS) that have reached their useful lives. The City's portion of the grant will be used to purchase three ALPRS which will boost the Police Department's ability to locate stolen vehicles, criminal suspects, missing persons and vehicles associated with various other crimes, as well as enhance officer and community safety.
- The 2019-21 Illegal Marijuana Market Enforcement Grant, which funds the joint Jackson County/Medford illegal Marijuana Enforcement Team (IMET) under MADGE. The City's portion of the award is \$356,073 for salaries and supervision of the unit. A total of \$309,000 was



AGENDA ITEM COMMENTARY

budgeted this biennium in anticipation of the award; this supplemental budget is to recognize and appropriate the unbudgeted portion of \$47,073.

- A citizen’s donation of \$140 in memory of retired Detective Steve Edson, who recently passed away. The donation will be used for the purchase of appreciation gifts for volunteers.
- Medford Police and Fire departments were gifted money from the Karger Estate. While the majority of the Karger bequest was distributed in December 2018, a portion was held back for the purpose of settling the estate’s tax liability. The Police Department received a final distribution in the amount of \$4,300 which will be utilized to purchase small equipment items.
- State forfeiture proceeds received since September in the amount of \$8,500 to repay legal fees. Police seized \$50,000 in a case investigation; though the claimant agreed there was probable cause to believe the property was subject to forfeiture, the judge ordered the return of the seized funds to the claimant, as well as reimbursement of the claimant’s attorney fees.
- Reimbursement of a \$900 security deposit by St. Vincent DePaul for housing three homeless citizens living in Alba Park.

Financial Impact to Budget:

- \$52,764 increase to Revenue-LLEBG/JAG Grant (Fund 100)
- \$47,073 increase to Revenue-State Grant (Fund 100)
- \$4,440 increase to Revenue-Donations (Fund 100)
- \$52,764 increase to Admin/General Equipment (Fund 100)
- \$8,500 increase to Revenue-State Forfeiture (Fund 202)
- \$900 increase to Revenue-OFS-Property (Fund 200)
- \$47,073 increase to MADGE Salaries/Wages (Fund 100)
- \$140 increase to Admin/Operating Tools (Fund 100)
- \$4,300 increase to Patrol/Small Equipment (Fund 100)
- \$8,500 increase to Civil Forfeiture-MADGE (Fund 202)
- \$900 increase to Patrol/Contract Services (Fund 200)

Appropriations Transfer

The Police Department is requesting an appropriations transfer to fund the matching requirement of \$10,300 for the 2019 Edward Byrne Memorial Justice Grant discussed in the first bullet of the Supplemental Budget.

Planning

Supplemental Budget

The Planning Department is requesting a supplemental budget to appropriate unanticipated revenue to recognize and appropriate an unanticipated Community Development Block Grant (CDBG) check from ACCESS representing a full payoff of a down payment assistance lien on 1025 Ingrid Street that was funded under the Neighborhood Stabilization Program-2. The original lien was recorded on November 8, 2019.



Financial Impact to Budget:

\$23,105 increase to Revenue-Miscellaneous Grant (Fund 100)

\$23,105 increase to CDBG-Projects (Fund 100)

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The proposed resolution will increase appropriations. Transfers between funds are as follows:

Fund	Existing Appropriations	New Appropriations
100	\$ 570,887	\$ 135,032
200	\$0	\$900
202	\$ 0	\$8,500
370	\$ 0	\$8,550
400	\$100,000	\$0
500	\$92,900	\$0
501	\$88,428	\$0
502	\$88,428	\$0
503	\$29,894	\$0
530	\$86,937	\$0
540	\$20,000	\$0
701	\$74,000	\$0

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution (as outlined in the attached exhibit).

EXHIBITS

Resolution

Supplemental Budget Request

RESOLUTION NO. 2019-132

A RESOLUTION adopting the third Supplemental Budget for the 2019-21 biennium.

WHEREAS, a supplemental budget is required to change appropriations in certain circumstances under ORS 294.471; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

SECTION 1. The City Council hereby adopts the third Supplemental Budget for the 2019-21 biennium.

SECTION 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2019-21 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this ____ day of December, 2019.

ATTEST: _____
City Recorder

Mayor

CITY OF MEDFORD

SUPPLEMENTAL BUDGET REQUEST PER ORS 294.471

Requesting Department: Finance

Biennium **BN2019-21**

Date of Proposed Council Action: December 19, 2019

Date **December 19, 2019**

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
1001510-6302107	Credit Card Fees		265,000.00	
1000000-4716400	Transfer from Building Fund			100,000.00
1000000-4716500	Transfer from Street Utility Fund			19,000.00
1000000-4716501	Transfer from Storm Drain Utility Fund			19,000.00
1000000-4716502	Transfer from Sewer Collection Utility Fund			19,000.00
1000000-4716503	Transfer from Sewage Treatment Utility Fund			15,000.00
1000000-4716530	Transfer from Gas Tax Fund			19,000.00
1000000-4716701	Transfer from Parking Fund			74,000.00
4002310-6302107	Credit Card Fees			100,000.00
4001521-6707100	Transfer to General Fund		100,000.00	
5003310-6302107	Credit Card Fees			19,000.00
5001521-6707100	Transfer to General Fund		19,000.00	
5013310-6302107	Credit Card Fees			19,000.00
5011521-6707100	Transfer to General Fund		19,000.00	
5023310-6302107	Credit Card Fees			19,000.00
5021521-6707100	Transfer to General Fund		19,000.00	
5033210-6302107	Credit Card Fees			15,000.00
5031521-6707100	Transfer to General Fund		15,000.00	
5303310-6302107	Credit Card Fees			19,000.00
5301521-6707100	Transfer to General Fund		19,000.00	
7011210-6302107	Credit Card Fees			74,000.00
7011521-6707100	Transfer to General Fund		74,000.00	
5403124-6404006	Fleet Svcs-General Equip		20,000.00	
5401590-6909099	Fleet Svcs-Contingency			20,000.00
1000000-4310207	Revenue-State Misc. Grant			6,520.00
1000000-4310201	Revenue-State Grants			5,350.00
1000000-4610301	Revenue-Donations			4,330.00
1002220-6101002	Fire Operations-Overtime		7,650.00	
1001521-6707370	Transfer to Fire Apparatus Fund		8,550.00	
3700000-4716100	Transfer from General Fund			8,550.00
3702220-6404006	Fire Apparatus Reserve		8,550.00	
Continued Next Page				

Account Number	Description	Project Number	Debit	Credit
1000000-4310105	Fed LLEBG/JAG/BY			52,764.00
1002110-6302540	PD Admin-Radio Maint			10,300.00
1002110-6404006	PD Admin-General Equip		63,064.00	
1000000-4310205	Revenue-State PD Grant			47,073.00
1002122-6101001	PD MADGE Salaries/Wages		47,073.00	
1000000-4610301	Revenue-Donations			4,440.00
1002110-6302430	PD Admin-Operating Tools		140.00	
1002120-6302432	PD Patrol-Small Equip		4,300.00	
2020000-4710108	Revenue-State Forfeiture			8,500.00
2022122-6302214	Civil Forfeiture-MADGE		8,500.00	
2000000-4710202	Revenue-OFS-Property			900.00
2002120-6302101	PD Patrol-Contract Svcs		900.00	
1000000-4310104	Revenue-Misc. Grant			23,105.00
1006110-6302214	CDBG-Projects		23,105.00	
1001510-6101001	Finance-Salaries/Wages		459,414.65	
1001510-6202030	SS/Med		35,145.21	
1001510-6202020	PERS		80,535.13	
1001510-6202021	PERS Pickup		27,564.88	
1001510-6202001	Health		136,478.50	
1001510-6202002	Dental		11,220.00	
1001510-6202005	Life		607.75	
1001510-6202004	VEBA		9,568.33	
1001510-6202006	Long-Term Disability		1,041.80	
1001510-6202031	Workers Comp		194.48	
1001510-6202032	SAIF		482.99	
1001910-6101001	Facilities-Salaries/Wages			76,369.93
1001910-6202030	SS/Med			5,842.30
1001910-6202020	PERS			9,775.35
1001910-6202021	PERS Pickup			4,582.20
1001910-6202001	Health			25,920.00
1001910-6202002	Dental			2,160.00
1001910-6202005	Life			117.00
1001910-6202004	VEBA			898.80
1001910-6202006	Long-Term Disability			239.40
1001910-6202031	Workers Comp			37.44
1001910-6202032	SAIF			80.29
1002220-6101001	Fire-Salaries/Wages			71,206.70
1002220-6202030	SS/Med			5,447.33
1002220-6202020	PERS			9,114.47
1002220-6202021	PERS Pickup			4,272.41

Account Number	Description	Project Number	Debit	Credit
1002220-6202001	Health			25,920.00
1002220-6202002	Dental			2,160.00
1002220-6202005	Life			117.00
1002220-6202004	VEBA			850.88
1002220-6202006	Long-Term Disability			248.40
1002220-6202031	Workers Comp			37.44
1002220-6202032	SAIF			74.86
1002124-6101001	Police-Salaries/Wages			134,641.89
1002124-6202030	SS/Med			10,300.11
1002124-6202020	PERS			30,321.35
1002124-6202021	PERS Pickup			8,078.52
1002124-6202001	Health			29,198.50
1002124-6202002	Dental			2,280.00
1002124-6202005	Life			123.50
1002124-6202004	VEBA			5,700.00
1002124-6202006	Long-Term Disability			369.88
1002124-6202031	Workers Comp			39.52
1002124-6202032	SAIF			141.55
5003110-6101001	PW Ops-Salaries/Wages			22,069.42
5003110-6202030	SS/Med			1,688.31
5003110-6202020	PERS			2,824.89
5003110-6202021	PERS Pickup			1,324.16
5003110-6202001	Health			7,740.00
5003110-6202002	Dental			645.00
5003110-6202005	Life			34.94
5003110-6202004	VEBA			263.76
5003110-6202006	Long-Term Disability			24.21
5003110-6202031	Workers Comp			11.18
5003110-6202032	SAIF			23.20
5003310-6101001	Engineering-Salaries/Wages			22,229.59
5003310-6202030	SS/Med			1,700.57
5003310-6202020	PERS			5,006.10
5003310-6202021	PERS Pickup			1,333.78
5003310-6202001	Health			6,120.00
5003310-6202002	Dental			510.00
5003310-6202005	Life			27.63
5003310-6202004	VEBA			265.91
5003310-6202006	Long-Term Disability			25.56
5003310-6202031	Workers Comp			8.84
5003310-6202032	SAIF			23.37
5001521-6707100	Transfer to General Fund		73,900.42	

Account Number	Description	Project Number	Debit	Credit
1000000-4716500	Transfer from Street Utility Fund			73,900.42
5013110-6101001	PW Ops-Salaries/Wages			22,069.42
5013110-6202030	SS/Med			1,688.31
5013110-6202020	PERS			2,824.89
5013110-6202021	PERS Pickup			1,324.16
5013110-6202001	Health			7,740.00
5013110-6202002	Dental			645.00
5013110-6202005	Life			34.94
5013110-6202004	VEBA			263.76
5013110-6202006	Long-Term Disability			24.21
5013110-6202031	Workers Comp			11.18
5013110-6202032	SAIF			23.20
5013310-6101001	Engineering-Salaries/Wages			19,562.04
5013310-6202030	SS/Med			1,496.50
5013310-6202020	PERS			4,405.37
5013310-6202021	PERS Pickup			1,173.72
5013310-6202001	Health			5,385.60
5013310-6202002	Dental			448.80
5013110-6202005	Life			24.31
5013310-6202004	VEBA			234.00
5013310-6202006	Long-Term Disability			19.80
5013310-6202031	Workers Comp			7.78
5013310-6202032	SAIF			20.57
5011521-6707100	Transfer to General Fund		69,427.56	
1000000-4716501	Transfer from Storm Drain Utility Fund			69,427.56
5023110-6101001	PW Ops-Salaries/Wages			22,069.42
5023110-6202030	SS/Med			1,688.31
5023110-6202020	PERS			2,824.89
5023110-6202021	PERS Pickup			1,324.16
5023110-6202001	Health			7,740.00
5023110-6202002	Dental			645.00
5023110-6202005	Life			34.91
5023110-6202004	VEBA			263.76
5023110-6202006	Long-Term Disability			24.21
5023110-6202031	Workers Comp			11.18
5023110-6202032	SAIF			23.20
5023310-6101001	Engineering-Salaries/Wages			19,562.04
5023310-6202030	SS/Med			1,496.50
5023310-6202020	PERS			4,405.37
5023310-6202021	PERS Pickup			1,173.72
5023310-6202001	Health			5,385.60



Account Number	Description	Project Number	Debit	Credit
5023310-6202002	Dental			448.80
5023110-6202005	Life			24.31
5023310-6202004	VEBA			234.00
5023310-6202006	Long-Term Disability			19.80
5023310-6202031	Workers Comp			7.78
5023310-6202032	SAIF			20.57
5021521-6707100	Transfer to General Fund		69,427.53	
1000000-4716502	Transfer from Sewer Collection Utility Fund			69,427.53
5303110-6101001	PW Ops-Salaries/Wages			22,069.42
5303110-6202030	SS/Med			1,688.31
5303110-6202020	PERS			2,824.89
5303110-6202021	PERS Pickup			1,324.16
5303110-6202001	Health			7,740.00
5303110-6202002	Dental			645.00
5303110-6202005	Life			34.94
5303110-6202004	VEBA			263.76
5303110-6202006	Long-Term Disability			24.21
5303110-6202031	Workers Comp			11.18
5303110-6202032	SAIF			23.20
5303310-6101001	Engineering-Salaries/Wages			18,672.86
5303310-6202030	SS/Med			1,428.47
5303310-6202020	PERS			4,205.13
5303310-6202021	PERS Pickup			1,120.37
5303310-6202001	Health			5,140.80
5303310-6202002	Dental			428.40
5303110-6202005	Life			23.21
5303310-6202004	VEBA			223.36
5303310-6202006	Long-Term Disability			18.04
5303310-6202031	Workers Comp			7.43
5303310-6202032	SAIF			19.63
5301521-6707100	Transfer to General Fund		67,936.77	
1000000-4716530	Transfer from Gas Tax Fund			67,936.77
5033310-6101001	Engineering-Salaries/Wages			8,891.84
5033310-6202030	SS/Med			680.23
5033310-6202020	PERS			2,002.44
5033310-6202021	PERS Pickup			533.52
5033310-6202001	Health			2,448.00
5033310-6202002	Dental			204.00
5033110-6202005	Life			11.05
5033310-6202004	VEBA			106.36
5033310-6202006	Long-Term Disability			4.09

Account Number	Description	Project Number	Debit	Credit
5033310-6202031	Workers Comp			3.54
5033310-6202032	SAIF			9.35
5031521-6707100	Transfer to General Fund		14,894.42	
1000000-4716503	Transfer from Sewage Treatment Utility Fund			14,894.42
TOTALS			1,779,672.42	1,779,672.42

Ryan Mauter
 Chief Financial Officer

Approved by

Brian Smith
 City Manager



AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager's Office

PHONE: (541) 774-2000

STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: December 19, 2019

COUNCIL BILL 2019-123

A resolution approving a Jackson County order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district.

SUMMARY AND BACKGROUND

Council is requested to consider approval of two resolutions approving the Jackson County, Oregon, Board of Commissioners to form a county service district for law enforcement services under the authority of Oregon Revised Statute (ORS) 451.010(1)(n). The name of the proposed district is the Jackson County Local Correctional Facility Service District (hereinafter "District"). The proposed District would have authority to construct, operate, and maintain a local correctional facility in Jackson County.

The territory of the City may only be included within the boundaries of the District if the City Council adopts a resolution approving the proposed Jackson County Order Initiating Formation of a Jackson County Law Enforcement Service District.

The Council is being asked to approve two resolutions to allow for an alternate plan should the City of Talent choose not to support the District which would have an effect on the property tax rate. The law only allows the creation of one service district for a particular purpose so only one proposed plan will move forward to create a service district. This agenda item is for the resolution including the City of Talent. The next agenda item is for the resolution excluding the City of Talent. If both resolutions are approved, the matter can move forward regardless of the decision of the City of Talent. If only one resolution is approved, the City of Medford's inclusion within the District would become contingent on the decision of the City of Talent.

This resolution is essentially the same information as approved at the May 2, 2019 meeting with a small rate increase due to time lapse and increases in building costs.

PREVIOUS COUNCIL ACTIONS

On May 10, 2018, a study session was held where Jackson County Sheriff Nathan Sickler presented a history of the local jail. This information included an initial study on the amount of space that is needed for a new facility.

On May 2, 2019, Council approved Resolution 2019-33 consenting to the inclusion of all the territory of the City within the boundaries of the proposed Jackson County Local Correctional Facility Service District. Had it been placed on the November ballot as originally planned, Jackson County voters would have been asked to establish a tax rate of \$0.8353 per \$1,000 of assessed value.



On November 21, 2019, Council continued the approval of this ordinance in order to provide questions to Jackson County Sheriff Nathan Sickler to address at the December 12, 2019 study session.

ANALYSIS

The current jail facility was built in 1981 and was designed to hold 176 people. The facility has been expanded over the years hold 300 with a night time maximum of 315. Information presented at the May 2018 study session included:

- Inmate numbers impact workload for staff, mental health issues for inmates, as well as officer and inmate safety.
- The current lack of jail space impacts multiple other agencies in the area due to increased crime, offenders not being held accountable and often reoffend, lack of availability of mental health services and drug/alcohol treatment.
- Existing building would be difficult to modify or remodel to add extra rooms.

Due to the increase in the population of Jackson County since the opening of the current Jackson County Jail and other factors, the current Jackson County Jail is insufficient for the needs of the County; and in 2017, the Jackson County Jail was required to release approximately 7,000 inmates prior to their first court appearance solely due to a lack of capacity.

Forced releases of inmates due to lack of capacity in the Jackson County Jail have impacted the entire criminal justice system in Jackson County including, in 2017 alone, over 10,000 warrants being issued for criminal defendants failing to appear for required court appearances and over 7,000 lodgings into the jail for repeat offenders.

The current Jackson County Jail, due to its design and limited capacity, is not conducive to providing comprehensive services to inmates suffering from mental health issues or addiction.

Council approval of this resolution does not establish a position on the ballot measure for the formation of the District to the voters. Council may choose to develop such a position in the event that the Board of Commissioners refer this item to the voters.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There are no financial resources committed by the City or residents as a result of approving the resolutions.

Jackson County voters will be asked to establish a permanent property tax rate limit per \$1,000 of assessed value for the District as authorized by ORS 451.547. The rate to include all county territory



AGENDA ITEM COMMENTARY

(including the City of Talent) within the boundaries of the proposed District would be \$0.8547 per \$1,000 of assessed value. That is the applicable rate for this resolution, which includes the City of Talent. To compare, without the City of Talent, the rate would be \$0.8719 per \$1,000 of assessed value. Rate increases from the first resolution approved at the May 2, 2019 are due to time lapse and increases in building costs.

Service District Territory	Tax Rate Per \$1000 Assessed Value
All county territory approved under Resolution 2019-33	\$0.8353
New Ask for All county territory	\$0.8547
New Ask for All county territory except City of Talent	\$0.8719
Difference w/o City of Talent	\$0.0172

TIMING ISSUES

Council is requested to consider these resolutions in order for the Board of Commissioners to complete their necessary approvals for consideration of placement on the May 2020 ballot.

COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify the resolution as presented.
- Deny the resolution and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution as presented.

SUGGESTED MOTION

I move to approve the resolution approving a Jackson County Order to initiate formation of a Jackson County Law Enforcement Service District to include all of Jackson County, including the City of Talent, and consenting to the inclusion of City territory within the boundaries of the district.

EXHIBITS

- Resolution to include all of Jackson County
- Jackson County Proposed Order to Initiate Formation of a Law Enforcement Service District to include all of Jackson County

RESOLUTION NO. 2019-123

A RESOLUTION approving a Jackson County order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district.

WHEREAS, the Jackson County, Oregon, Board of Commissioners intends to form a county service district for law enforcement services under the authority of Oregon Revised Statute (ORS) 451.010(1)(n). The name of the proposed district is the Jackson County Local Correctional Facility Service District (hereinafter "District"). The proposed District would have authority to construct, operate, and maintain a local correctional facility in Jackson County;

WHEREAS, the Jackson County Board of Commissioners may initiate the formation of the District by adopting an order under authority of ORS 198.835. The Board proposes to include all county territory within the boundaries of the proposed District;

WHEREAS, Jackson County voters will be asked to establish a permanent property tax rate limit of \$0.8547 per \$1,000 of assessed value for the District as authorized by ORS 451.547;

WHEREAS, the territory of the City may only be included within the boundaries of the District if the City Council adopts a resolution approving the proposed Jackson County Order Initiating Formation of a Jackson County Law Enforcement Service District. The proposed Order is attached hereto; and

WHEREAS, the City Council believes that a law enforcement service district for the construction, operation, and maintenance of a local correctional facility in Jackson County is in the best interests of the citizens of the City.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

The City of Medford, Oregon, hereby consents to the inclusion of all the territory of the City within the boundaries of the proposed Jackson County Local Correctional Facility Service District, and approves the Jackson County Board of Commissioners' proposed Order Initiating the Formation of a Jackson County Law Enforcement Service District in substantially the form attached hereto.

PASSED by the Council and signed by me in authentication of its passage this ____ day of November, 2019.

Attest: _____
City Recorder

Mayor

BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF INITIATING THE) ORDER NO. _____
FORMATION OF A JACKSON COUNTY LAW)
ENFORCEMENT SERVICE DISTRICT)

WHEREAS, when the current Jackson County Jail opened in 1981, the population of Jackson County was approximately 134,500 residents; and

WHEREAS, due to the increase in the population of Jackson County since the opening of the current Jackson County Jail and other factors, the current Jackson County Jail is insufficient for the needs of the County; and

WHEREAS, in 2017, the Jackson County Jail was required to release approximately 7,000 inmates prior to their first court appearance solely due to a lack of capacity; and

WHEREAS, forced releases of inmates due to lack of capacity in the Jackson County Jail have impacted the entire criminal justice system in Jackson County including, in 2017 alone, over 10,000 warrants being issued for criminal defendants failing to appear for required court appearances and over 7,000 lodgings into the jail for repeat offenders; and

WHEREAS, the current Jackson County Jail, due to its design and limited capacity, is not conducive to providing comprehensive services to inmates suffering from mental health issues or addiction; and

WHEREAS, Chapter 451 of the Oregon Revised Statutes (ORS) provides for the establishment of a county service district for law enforcement services which includes authority for the construction, maintenance, and operation of installations, works, or services provided for the purpose of law enforcement services; and

WHEREAS, the construction, maintenance, and operation of a local correctional facility is a law enforcement service purpose; and

WHEREAS, without the establishment of a county service district for law enforcement services, Jackson County will not be able to construct, operate, and maintain a new local correctional facility which adequately meets the needs of the County; and

WHEREAS, ORS 451.435 provides that all county service districts shall be initiated, conducted, and completed as provided by ORS 198.705 to 198.955; and

WHEREAS, ORS 198.835 authorizes the county board of commissioners to initiate the formation of a district by an order and sets forth the requirements of that order including setting the date, time, and place of a public hearing on the proposal to form the district; and

WHEREAS, ORS 198.840 requires that notice of the public hearing on the proposal be given in the manner set forth in ORS 198.800, except that the notice shall state that the County Board has entered an Order declaring its intention to initiate the formation of a county service district.

Now, therefore,

The Board of County Commissioners of Jackson County ORDERS:

1. The Board intends to initiate formation of a county service district for law enforcement services in Jackson County as authorized pursuant to ORS 451.010(1)(n) and ORS Chapter 451, which is the principal Act governing the formation of such a district, for the purpose of constructing, operating, and maintaining a local correctional facility in Jackson County.
2. The name of the proposed district is the Jackson County Local Correctional Facility Service District (District).
3. The boundaries of the District shall include all territory within Jackson County as described in ORS 201.150 including the territories of the incorporated cities within Jackson County.
4. As required by ORS 198.835(3), certified copies of City Council Resolutions of each city approving this Initiation Order and formation of the District are attached.
5. The Jackson County Board of Commissioners will serve as the governing body of the District as required pursuant to ORS 451.485; and
6. The District will have all of the general powers granted by ORS Chapter 451 (the principal Act) necessary and convenient for providing law enforcement services as permitted by ORS 451.010(1)(n).
7. The District will be authorized to construct, maintain, and operate a law enforcement service facility, specifically a local correctional facility, pursuant to ORS 451.420.
8. Jackson County voters will be asked to establish a permanent property tax rate limit of \$.8547 per \$1,000 of assessed value for the District as authorized by ORS 451.547. The District will have authority to levy and collect general property taxes up to the approved rate limit.
9. Pursuant to ORS 198.800 and 198.835, a public hearing on the formation of the Jackson County Local Correctional Facility Service District shall be held at the Board's regular meeting on February 5, 2020, beginning at 9:30 a.m., in the Auditorium of the Jackson County Courthouse, 10 South Oakdale, Medford, Oregon 97501. All interested persons may appear and be heard. At this hearing, the Board will hear testimony and receive written comment on the proposed formation of this District, including information about the services to be provided by the District, the economic feasibility of the District, and the permanent tax rate limit. At the conclusion of the hearing, the Board shall determine, in accordance with criteria described in ORS 198.805, whether Jackson County could be benefited by the formation of the county service district and whether the County should continue with the formation process.
10. Notice of the hearing shall be provided to interested persons in accordance with ORS 198.800.

DATED this ___ day of _____, 2020, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Bob Strosser, Chair

Colleen Roberts, Commissioner

Rick Dyer, Commissioner

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PROPOSED



AGENDA ITEM COMMENTARY

DEPARTMENT: City Manager's Office

PHONE: (541) 774-2000

STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: December 19, 2019

COUNCIL BILL 2019-124

A resolution approving a Jackson County order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district, except for the City of Talent.

SUMMARY AND BACKGROUND

Council is requested to consider approval of two resolutions approving the Jackson County, Oregon, Board of Commissioners to form a county service district for law enforcement services under the authority of Oregon Revised Statute (ORS) 451.010(1)(n). The name of the proposed district is the Jackson County Local Correctional Facility Service District (hereinafter "District"). The proposed District would have authority to construct, operate, and maintain a local correctional facility in Jackson County.

The territory of the City may only be included within the boundaries of the District if the City Council adopts a resolution approving the proposed Jackson County Order Initiating Formation of a Jackson County Law Enforcement Service District.

The Council is being asked to approve two resolutions to allow for an alternate plan should the City of Talent choose not to support the District which would have an effect on the property tax rate. The law only allows the creation of one service district for a particular purpose so only one proposed plan will move forward to create a service district. This agenda item is for the resolution excluding the City of Talent. The prior agenda item is for the resolution including the City of Talent. If both resolutions are approved, the matter can move forward regardless of the decision of the City of Talent. If only one resolution is approved, the City of Medford's inclusion within the District would become contingent on the decision of the City of Talent.

Except for the removal of the City of Talent, this resolution is essentially the same information as approved at the May 2, 2019 meeting with a small rate increase due to time lapse and increases in building costs.

PREVIOUS COUNCIL ACTIONS

On May 10, 2018, a study session was held where Jackson County Sheriff Nathan Sickler presented a history of the local jail. This information included an initial study on the amount of space that is needed for a new facility.

On May 2, 2019, Council approved Resolution 2019-33 consenting to the inclusion of all the territory of the City within the boundaries of the proposed Jackson County Local Correctional Facility Service



AGENDA ITEM COMMENTARY

District. Had it been placed on the November ballot as originally planned, Jackson County voters would have been asked to establish a tax rate of \$0.8353 per \$1,000 of assessed value.

On November 21, 2019, Council continued the approval of this ordinance in order to provide questions to Jackson County Sheriff Nathan Sickler to address at the December 12, 2019 study session.

ANALYSIS

The current jail facility was built in 1981 and was designed to hold 176 people. The facility has been expanded over the years hold 300 with a night time maximum of 315. Information presented at the May 2018 study session included:

- Inmate numbers impact workload for staff, mental health issues for inmates, as well as officer and inmate safety.
- The current lack of jail space impacts multiple other agencies in the area due to increased crime, offenders not being held accountable and often reoffend, lack of availability of mental health services and drug/alcohol treatment.
- Existing building would be difficult to modify or remodel to add extra rooms.

Due to the increase in the population of Jackson County since the opening of the current Jackson County Jail and other factors, the current Jackson County Jail is insufficient for the needs of the County; and in 2017, the Jackson County Jail was required to release approximately 7,000 inmates prior to their first court appearance solely due to a lack of capacity.

Forced releases of inmates due to lack of capacity in the Jackson County Jail have impacted the entire criminal justice system in Jackson County including, in 2017 alone, over 10,000 warrants being issued for criminal defendants failing to appear for required court appearances and over 7,000 lodgings into the jail for repeat offenders.

The current Jackson County Jail, due to its design and limited capacity, is not conducive to providing comprehensive services to inmates suffering from mental health issues or addiction.

Council approval of this resolution does not establish a position on the ballot measure for the formation of the District to the voters. Council may choose to develop such a position in the event that the Board of Commissioners refer this item to the voters.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

There are no financial resources committed by the City or residents as a result of approving the resolutions.



AGENDA ITEM COMMENTARY

Jackson County voters will be asked to establish a permanent property tax rate limit per \$1,000 of assessed value for the District as authorized by ORS 451.547. The rate would be \$0.8719 per \$1,000 of assessed value without the City of Talent. That is the applicable rate for this resolution, which excludes the City of Talent. To compare, with all of Jackson County including the City of Talent, the rate would be \$0.8547 per \$1,000 of assessed value. Rate increases from the first resolution approved at the May 2, 2019 are due to time lapse and increases in building costs.

Service District Territory	Tax Rate Per \$1000 Assessed Value
All county territory approved under Resolution 2019-33	\$0.8353
New Ask for All county territory	\$0.8547
New Ask for All county territory except City of Talent	\$0.8719
Difference w/o City of Talent	\$0.0172

TIMING ISSUES

Council is requested to consider these resolutions in order for the Board of Commissioners to complete their necessary approvals for consideration of placement on the May 2020 ballot.

COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify the resolution as presented.
- Deny the resolution and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution as presented.

SUGGESTED MOTION

I move to approve the resolutions approving a Jackson County Order to initiate formation of a Jackson County Law Enforcement Service District to include all of Jackson County except for the City of Talent, and consenting to the inclusion of City territory within the boundaries of the district.

EXHIBITS

- Resolution to include all of Jackson County without the City of Talent
- Jackson County Proposed Order to Initiate Formation of a Law Enforcement Service District to include all of Jackson County except the City of Talent

RESOLUTION NO. 2019-124

A RESOLUTION approving a Jackson County order to initiate formation of a Jackson County Law Enforcement Service District and consenting to the inclusion of City territory within the boundaries of the district, except for the City of Talent.

WHEREAS, the Jackson County, Oregon, Board of Commissioners intends to form a county service district for law enforcement services under the authority of Oregon Revised Statute (ORS) 451.010(1)(n). The name of the proposed district is the Jackson County Local Correctional Facility Service District (hereinafter "District"). The proposed District would have authority to construct, operate, and maintain a local correctional facility in Jackson County;

WHEREAS, the Jackson County Board of Commissioners may initiate the formation of the District by adopting an order under authority of ORS 198.835. The Board proposes to include all county territory within the boundaries of the proposed District, except for the City of Talent, as effective July 1, 2020;

WHEREAS, Jackson County voters will be asked to establish a permanent property tax rate limit of \$0.8547 per \$1,000 of assessed value for the District as authorized by ORS 451.547;

WHEREAS, the territory of the City may only be included within the boundaries of the District if the City Council adopts a resolution approving the proposed Jackson County Order Initiating Formation of a Jackson County Law Enforcement Service District. The proposed Order is attached hereto; and

WHEREAS, the City Council believes that a law enforcement service district for the construction, operation, and maintenance of a local correctional facility in Jackson County is in the best interests of the citizens of the City.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

The City of Medford, Oregon, hereby consents to the inclusion of all the territory of the City within the boundaries of the proposed Jackson County Local Correctional Facility Service District, and approves the Jackson County Board of Commissioners' proposed Order Initiating the Formation of a Jackson County Law Enforcement Service District in substantially the form attached hereto.

PASSED by the Council and signed by me in authentication of its passage this ____ day of December, 2019.

Attest: _____
City Recorder

Mayor

BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF INITIATING THE)
FORMATION OF A JACKSON COUNTY LAW)
ENFORCEMENT SERVICE DISTRICT)

ORDER NO. _____

WHEREAS, when the current Jackson County Jail opened in 1981, the population of Jackson County was approximately 134,500 residents; and

WHEREAS, due to the increase in the population of Jackson County since the opening of the current Jackson County Jail and other factors, the current Jackson County Jail is insufficient for the needs of the County; and

WHEREAS, in 2017, the Jackson County Jail was required to release approximately 7,000 inmates prior to their first court appearance solely due to a lack of capacity; and

WHEREAS, forced releases of inmates due to lack of capacity in the Jackson County Jail have impacted the entire criminal justice system in Jackson County including, in 2017 alone, over 10,000 warrants being issued for criminal defendants failing to appear for required court appearances and over 7,000 lodgings into the jail for repeat offenders; and

WHEREAS, the current Jackson County Jail, due to its design and limited capacity, is not conducive to providing comprehensive services to inmates suffering from mental health issues or addiction; and

WHEREAS, Chapter 451 of the Oregon Revised Statutes (ORS) provides for the establishment of a county service district for law enforcement services which includes authority for the construction, maintenance, and operation of installations, works, or services provided for the purpose of law enforcement services; and

WHEREAS, the construction, maintenance, and operation of a local correctional facility is a law enforcement service purpose; and

WHEREAS, without the establishment of a county service district for law enforcement services, Jackson County will not be able to construct, operate, and maintain a new local correctional facility which adequately meets the needs of the County; and

WHEREAS, ORS 451.435 provides that all county service districts shall be initiated, conducted, and completed as provided by ORS 198.705 to 198.955; and

WHEREAS, ORS 198.835 authorizes of the county board of commissioners to initiate the formation of a district by an order and sets forth the requirements of that order including setting the date, time, and place of a public hearing on the proposal to form the district; and

WHEREAS, ORS 198.840 requires that notice of the public hearing on the proposal be given in the manner set forth in ORS 198.800, except that the notice shall state that the County Board has entered an Order declaring its intention to initiate the formation of a county service district.

Now, therefore,

The Board of County Commissioners of Jackson County ORDERS:

1. The Board intends to initiate formation of a county service district for law enforcement services in Jackson County as authorized pursuant to ORS 451.010(1)(n) and ORS Chapter 451, which is the principal act governing the formation of such a district, for the purpose of constructing, operating, and maintaining a local correctional facility in Jackson County.
2. The name of the proposed district is the Jackson County Local Correctional Facility Service District (District).
3. The boundaries of the District shall include all territory within Jackson County as described in ORS 201.150 including the territories of the incorporated cities within Jackson County except for the incorporated area of the City of Talent effective July 1, 2020.
4. As required by ORS 198.835(3), certified copies of City Council Resolutions of each city approving this Initiation Order and formation of the District are attached.
5. The Jackson County Board of Commissioners will serve as the governing body of the District as required pursuant to ORS 451.485; and
6. The District will have all of the general powers granted by ORS Chapter 451 (the Principal Act) necessary and convenient for providing law enforcement services as permitted by ORS 451.010(1)(n).
7. The District will be authorized to construct, maintain, and operate a law enforcement service facility, specifically a local correctional facility, pursuant to ORS 451.420.
8. Jackson County voters will be asked to establish a permanent property tax rate limit of \$0.8719 per \$1,000 of assessed value for the District as authorized by ORS 451.547. The District will have authority to levy and collect general property taxes up to the approved rate limit.
9. Pursuant to ORS 198.800 and 198.835, a public hearing on the formation of the Jackson County Local Correctional Facility Service District shall be held at the Board's regular meeting on February 5, 2020, beginning at 9:30 a.m., in the Auditorium of the Jackson County Courthouse, 10 South Oakdale, Medford, Oregon 97501. All interested persons may appear and be heard. At this hearing, the Board will hear testimony and receive written comment on the proposed formation of this District, including information about the services to be provided by the District, the economic feasibility of the District, and the permanent tax rate limit. At the conclusion of the hearing, the Board shall determine, in accordance with criteria described in ORS 198.805, whether Jackson County could be benefited by the formation of the county service district and whether the County should continue with the formation process.
10. Notice of the hearing shall be provided to interested persons in accordance with ORS 198.800.

DATED this ___ day of _____, 2020, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Bob Strosser, Chair

Colleen Roberts, Commissioner

Rick Dyer, Commissioner

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PROPOSED



AGENDA ITEM COMMENTARY

DEPARTMENT: Building Safety

PHONE: 541-774-2362

STAFF CONTACT: Sam Barnum, Building Safety Director

AGENDA SECTION: Public Hearings

MEETING DATE: December 19, 2019

COUNCIL BILL 2019-133

AN ORDINANCE adopting the 2019 Oregon Structural Specialty Code, Oregon Mechanical Specialty Code, and Zero Energy Ready Commercial Code (formerly Oregon Energy Efficiency Specialty Code) and amending sections 9.100, 9.101, 9.110, 9.120, 9.150, 9.200, 9.250, 9.251, 9.253, 9.254, 9.300, 9.500, 9.501, 9.503, 9.504, 9.510, 9.511, 9.520, 9.531, 9.532, 9.533, 9.550, 9.560, 9.570, 9.571, 9.572, 9.575, 9.600, 9.602, 9.610, 9.615, 9.620, 9.625, 9.630, 9.635, 9.637, 9.640, 9.645, 9.650, 9.655, 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, 9.707, 9.800 and adding sections 9.565, 9.810, 9.820, 9.830, and 9.840 of the Medford Municipal Code to include necessary changes as a result of adopting the 2019 codes and housekeeping corrections.

SUMMARY AND BACKGROUND

Council is requested to consider adopting the 2019 Oregon Structural Specialty Code, Oregon Mechanical Specialty Code, and Zero Energy Ready Commercial Code (formerly Oregon Energy Efficiency Specialty Code) and amending sections 9.100, 9.101, 9.110, 9.120, 9.150, 9.200, 9.250, 9.251, 9.253, 9.254, 9.300, 9.500, 9.501, 9.503, 9.504, 9.511, 9.520, 9.531, 9.532, 9.533, 9.550, 9.560, 9.570, 9.571, 9.572, 9.600, 9.602, 9.610, 9.615, 9.620, 9.625, 9.630, 9.635, 9.637, 9.640, 9.645, 9.650, 9.655, 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, 9.707, 9.800 and adding sections 9.565, 9.810, 9.820, 9.830, and 9.840 of the Medford Municipal Code to include necessary changes as a result of adopting the 2019 codes and housekeeping corrections.

The 2019 Oregon state building codes have an effective date of October 1, 2019 with a phase in of three months.

PREVIOUS COUNCIL ACTIONS

2019 Oregon Structural Specialty Code:

- December 5, 2002 Council adopted the 1998 Code, Ordinance 2002-216
- May 17, 2007 Council adopted the 2007 Code, Ordinance 2007-97
- April 7, 2011 Council adopted the 2010 Code, Ordinance 2011-63
- December 4, 2014 Council adopted the 2014 Code, Ordinance 2014-147

2019 Oregon Mechanical Specialty Code:

- December 5, 2002 Council adopted the 2002 Code, Ordinance 2002-2017
- May 17, 2007 Council adopted the 2007 Code, Ordinance 2007-97
- April 7, 2011 Council adopted the 2010 Code, Ordinance 2011-63
- December 4, 2014 Council adopted the 2014 Code, Ordinance 2014-147

2019 Zero Energy Ready Commercial Code (formerly entitled Oregon Energy Efficiency Specialty Code)

- April 7, 2011 Council adopted the 2010 Code, Ordinance 2011-63



December 4, 2014 Council adopted the 2014 Code, Ordinance 2014-147

ANALYSIS

The State of Oregon has recently adopted the 2019 Oregon Structural Specialty Code, the 2019 Oregon Mechanical Specialty Code, and the 2019 Zero Energy Ready Commercial Code. The City of Medford is currently operating under the 2014 Codes. The 2019 codes became effective on October 1, 2019. The state allows three months to phase in the new codes.

The State typically updates the Oregon Building Codes every three years. All local jurisdictions are required to enforce the state code to the state agency's specified level of enforcement per Oregon Revised Statute 455.040: *(1) The state building code shall be applicable and uniform throughout this state and in all municipalities, and no municipality shall enact or enforce any ordinance, rule or regulation relating to the same matters encompassed by the state building code but which provides different requirements unless authorized by the Director of the Department of Consumer and Business Services.*

Proposed updates to Chapter 9 of the Medford Municipal Code are included as Exhibit A. Changes are reflected in red. Changes are primarily housekeeping items and include those resulting from the 2019 adopted state building codes such as adoption of appendices not adopted by the State of Oregon Building Codes Division as part of the state building code. Local municipalities are permitted to enact local ordinances.

The major changes proposed in Chapter 9 of the Medford Municipal Code include:

- **9.100 Adoption of Oregon Structural Specialty Code, as Modified:**
 - ✓ *The 2019 edition of the State of Oregon*
 - ✓ *Adoption of appendices B. Board of Appeals; F. Rodentproofing; and H. Signs*
- **9.110 Adoption of Zero Energy Ready Commercial Code, as Modified:** *The 2019 edition of the State of Oregon*
- **9.150 Adoption of Oregon Mechanical Specialty Code, as Modified:** *The 2019 edition of the State of Oregon*
- **Enacting local ordinances for the following:**
 - ✓ Adopting Chapter 32 of the Oregon Structural Specialty Code: Encroachments into the Public Right-of-Way, previously included in the Oregon building code but not adopted at the state level in the 2019 code
 - ✓ Adding Section 9.565: *Wood Roof Covering Materials*
 - ✓ Repeal Sections 9.600 – 9.655, Seismic Design Requirements for Existing Buildings, deferring to Chapter 34, Section 3401 of the Oregon Structural Specialty Code and adoption of seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings.
 - ✓ Adding Section 9.810: *Tanks*
 - ✓ Adding Section 9.820: *Cell Towers*



- ✓ Adding Section 9.830: *Flagpoles*
- ✓ Adding Section 9.840: *Freestanding Signs*

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

The 2019 codes have an effective date of October 1, 2019 with an allowed three month phase-in period.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance adopting the 2019 Oregon Structural Specialty Code, 2019 Oregon Mechanical Specialty Code, 2019 Oregon Zero Energy Ready Commercial Code and to approve updates to the Medford Municipal Code, Chapter 9.

EXHIBITS

Ordinance

Exhibit A, Medford Municipal Code Chapter 9 with proposed changes

A copy of the State mandated Specialty and Energy Codes are on file in the City Recorder's Office

- 2019 Oregon Structural Specialty Code
- 2019 Oregon Mechanical Specialty Code
- 2019 Zero Energy Ready Commercial Code

ORDINANCE NO. 2019-133

AN ORDINANCE adopting the 2019 Oregon Structural Specialty Code, Oregon Mechanical Specialty Code, and Zero Energy Ready Commercial Code (formerly Oregon Energy Efficiency Specialty Code) and amending sections 9.100, 9.101, 9.110, 9.120, 9.150, 9.200, 9.250, 9.251, 9.253, 9.254, 9.300, 9.500, 9.501, 9.503, 9.504, 9.510, 9.511, 9.520, 9.531, 9.532, 9.533, 9.550, 9.560, 9.570, 9.571, 9.572, 9.575, 9.600, 9.602, 9.610, 9.615, 9.620, 9.625, 9.630, 9.635, 9.637, 9.640, 9.645, 9.650, 9.655, 9.701, 9.702, 9.703, 9.704, 9.705, 9.706, 9.707, 9.800 and adding sections 9.810, 9.820, 9.830, 9.840, and 9.565 of the Medford Municipal Code to include necessary changes as a result of adopting the 2019 codes and housekeeping corrections.

Section 1. Section 9.100 of the Medford Municipal Code is amended to read as follows:

9.100 Adoption of Oregon Structural Specialty Code, as Modified.

(1) The ~~2017~~ 2019 Oregon Structural Specialty Code and State **and local** adopted appendices as published and copyrighted by the International Code Council, as modified and adopted by the Director of the State Department of Consumer and Business Services ~~and the Oregon State Fire Marshal~~, are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments contained herein, such code to be referred to as the Building Code. At least one copy of the Oregon Structural Specialty Code and appendices, comprising the Building Code, are on file in the City of Medford Building Safety Department.

~~(2) Section 112.1. The Building Safety Director of the City of Medford is hereby authorized to order and cause the utilities to be terminated and disconnected which serve a building in violation of the Building Code, or of any other code administered and enforced pursuant to Chapter 9 of the Medford Code. If the Director must invoke this provision, he shall provide written notice to the owner of record at least two weeks prior to ordering such discontinuance unless an imminent life hazard exists in which event the Director shall order such discontinuance immediately.~~

(32) Section 114.5 of the Building Code is modified by adding the following:

“Penalties. Penalties for violations of the Building Code or any other code administered and enforced pursuant to Chapter 9 of the Medford Code shall be as prescribed in Section 9.661 of the Medford Code.”

~~(4) Section 3408.1 of the Building Code is modified by adding the following:~~

~~“A Change of Occupancy Inspection permit shall be required prior to inspection and issuance of a certificate of occupancy.”~~

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(53) In addition to the appendix chapters listed in Section 101.2.12.1 of the **State Building Code**, **Appendix B: Board of Appeals: F: Rodentproofing”; H: Signs; and J: Grading** are adopted as published.

(4) Chapter 32: Encroachments into the Public Right-of-Way is hereby adopted as published.

(65) Table 1-A, including footnotes, is deleted. See Medford Code Section 9.270, Table 9-A and B, for fees.

Section 2. Section 9.101 of the Medford Municipal Code is amended to read as follows:

9.101 Adoption of Oregon Residential Specialty Code, as Modified.

(2) Residential Permit Fees shall be as shown in Medford Code Section 9.270, Table 9-B, 9-C, 9-E, 9-F, 9-J, and 9-K.

**(3) Section 114.5 of the Building Code is modified by adding the following:
“Penalties. Penalties for violations of the Building Code or any other code administered and enforced pursuant to Chapter 9 of the Medford Code shall be as prescribed in Section 9.661 of the Medford Code.”**

Section 3. Section 9.110 of the Medford Municipal Code is amended to read as follows:

9.110 Adoption of ~~Oregon~~ **Zero Energy Ready Efficiency Specialty Commercial** Code, as Modified. ~~The 2014 Oregon Energy Efficiency Specialty~~ **The 2019 Zero Energy Ready Commercial** Code as published and copyrighted by the International Code Council, as modified by the Director of the State Department of Consumer and Business Services ~~and the Oregon State Fire Marshal~~ are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced, such code to be referred to as the Energy Code. At least one copy of said Code is on file in the City of Medford Building Safety Department.

Section 4. Section 9.120 of the Medford Municipal Code shall be repealed as follows:

~~SOLAR INSTALLATION SPECIALTY CODE~~

~~9.120 Adoption of Oregon Solar Installation Specialty Code, as Modified.~~

~~The 2010 Oregon Solar Installation Specialty Code and appendices as authorized by ORS 455.020 and published and copyrighted by the Department of Consumer and Business Services~~

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~~are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Solar Code. At least one copy of said Code is on file in the City of Medford Building Safety Department.~~

Section 5. Section 9.150 of the Medford Municipal Code is amended to read as follows:

9.150 Adoption of Oregon Mechanical Specialty Code, as Modified.

(1) The ~~2014~~ **2019** Oregon Mechanical Specialty Code, and appendices as published and copyrighted by the International Code Council, as modified by the Director of the State Department of Consumer and Business Services ~~and the Oregon State Fire Marshal~~, are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Mechanical Code. At least one copy of said Code is on file in the City of Medford Building Safety Department.

(2) ~~The fees in table 1-A of the Mechanical Code are deleted.~~ See Medford Code Section 9.270, Tables 9-C, 9-D, and 9-E for fees.

Section 6. Section 9.200 of the Medford Municipal Code is amended to read as follows:

9.200 Adoption of Oregon Plumbing Specialty Code, as Modified.

(1) The 2017 Oregon Plumbing Specialty Code and State adopted appendices as published and copyrighted by ~~the International Association of Plumbing and Mechanical Officials~~ **Uniform Plumbing Code**, and as modified by the Director of the State Department of Business and Consumer Services is hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Plumbing Code. At least one copy of said code is on file in the City of Medford Building Safety Department.

(2) Wherever used in the regulations herein above incorporated, the term "~~Administrative Authority~~**Building Official**" shall refer to the Building Safety Director of the City of Medford or his designee.

(3) Plumbing permit fees shall be as shown in Medford Code Section 9.270, Table 9-F, **9-G, 9-H, and 9-I.**

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Section 7. Section 9.250 of the Medford Municipal Code is amended to read as follows:

9.250 Adoption of State of Oregon Electrical Specialty Code, as Modified.

(3) The Building Safety Director is authorized to disconnect any electrical installation or equipment which has been connected in violation of this code or before approval for service has been given, or to give notice to the person in control of the premises, requiring such person to so disconnect it; and it shall be unlawful for any person in control of the premises thereafter to permit such installation to remain connected to a source of electrical energy after such notice has been given. Where the Building Safety Director or his designee has given such notice, or has disconnected any such service for the reasons above set forth, he shall thereupon attach to the premises a notice which shall state that the wiring or apparatus has been disconnected by the City of Medford for lack of compliance with this code.

~~(4) In addition to any other authority and power granted to the Building Safety Director by state law, the Building Safety Director or his designee may enforce the provisions of the electrical specialty codes against any person, regardless of whether a permit, certificate, license or other indicia of authority has been issued. The Building Safety Director or his designee may investigate, take statements, order corrective action and issue stop work orders on all or any work under the electrical specialty codes. It shall be unlawful for any person in control of the premises to fail to comply with any order issued by the Building Safety Director or his designee.~~

Section 8. Section 9.251 of the Medford Municipal Code is amended to read as follows:

9.251 Electrical Permit.

(1) Duly issued Electrical Permits shall expire after 180 days of inactivity on the work for which the electrical permit is issued. A new permit ~~will~~ **may** be required in the event that the work is to commence after the permit has expired.

(2) Any person who knowingly does any electrical work for which a permit is required without first having obtained such a permit shall be charged **an investigative fee that is the average or actual additional cost of ensuring that a building or structure is in conformance with this code and shall be in addition to the required permit fees.** ~~a fee equal to double the original fee to be charged for the permit, but t~~This shall not be the exclusive remedy for any such violation.

(3) Except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

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(4) Electrical Permit Fees shall be as shown in Medford Code Section 9.270, Tables **9-B and 9-J**.

Section 9. Section 9.253 of the Medford Municipal Code shall be repealed as follows:

~~9.253 Plan Review Requirements.~~

~~Electrical plan review is required for installations as set forth in Oregon Administrative Rules 918-311-0000 through 918-311-0060 as of March 12, 1999, which are adopted and incorporated by this reference.~~

Section 10. Section 9.254 of the Medford Municipal Code is amended to read as follows:

9.254 Electrical Minor Labels.

Minor labels are authorized for minor installations as set forth in Oregon Administrative Rules 918-309-02010 through 918-309-0260 as of March 12, 1999, which are adopted and incorporated by this reference.

Section 11. Section 9.300 of the Medford Municipal Code is amended to read as follows:

9.300 Adoption of Oregon Manufactured Dwelling Installation Specialty Code, as Modified.

(1) The Oregon Manufactured Dwelling Installation Specialty Code, 2010 eEdition, as modified and adopted by the Director of the State Department of Consumer and Business Services, is hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Manufactured Dwelling Code. At least one copy of said code is on file in the City of Medford Building Safety Department.

(2) Wherever used in the regulations herein incorporated, the terms "administrator" or "department" shall refer to the Building Safety Director of the City of Medford or his authorized designee.

(3) ~~See Table 9-K. Manufactured dwelling placement permit fees shall be as follows:~~

~~Manufactured Dwelling Placement:~~

(includes placement, electrical feeder, water/sewer connection)	\$303.00
Reinspection Fee	\$50.00
Inspections for which no fee is specifically indicated	
(minimum of one hour)	\$50.00

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(4) Refer to Medford Municipal Code 10.885, 10.896, and 10.900; current adopted editions of the Oregon Structural Specialty Code; Zero Energy Ready Commercial Code; Oregon Mechanical Specialty Code; Oregon Residential Specialty Code; Oregon Electrical Specialty Code; Oregon Plumbing Specialty Code; Oregon Manufactured Dwelling Installation Specialty Code; and Oregon Manufactured Dwelling and Park Specialty Code.

Section 12. Section 9.500 of the Medford Municipal Code is amended to read as follows:

9.500 Definitions and Scope.

Terms used in Sections 9.501 to 9.504, unless the context otherwise clearly requires, shall be defined as provided in the ~~Uniform Building Code~~ **Oregon Structural Specialty Code**. The building code at present requires a permit to demolish any building or structure within the City of Medford, and a permit fee is prescribed for the issuance of such a permit. Sections 9.501 to 9.504 further prescribe the demolition requirements and administrative procedures to be followed. The requirements of Sections 9.501 to 9.504 shall apply to the voluntary demolition of structures and to demolition which is required by or under any other code of the City of Medford.

Section 13. Section 9.501 of the Medford Municipal Code is amended to read as follows:

9.501 Permit Required; Fee.

No person shall demolish a structure, or permit one to be demolished on property under his control, unless a demolition permit for such demolition has been issued by the Building Safety Director, nor shall any person cause or permit such demolition contrary to the terms of the permit or to the terms of Sections 9.501 to 9.504. The fee for the demolition permit is as prescribed in ~~the building code~~ **Medford Municipal Code 9.270**.

Section 14. Section 9.503 of the Medford Municipal Code is amended to read as follows:

9.503 Clean-up and Disposition of Debris; Time Limit.

A demolition permit shall include the following requirements: that the structure be wholly reduced and site restored to natural grade leaving no voids, projecting elements, or hazardous conditions; that all debris shall be disposed of in a place and manner which complies with Section 9.504 and which creates no nuisance or hazard or other condition prohibited by ordinance or other law; that any sewer lines must be sealed off 5' from the property line, and any septic tank

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shall be pumped dry, filled with sand or similar material, and its inlet and outlet plugged with concrete and other openings sealed; and that, once demolition or any part thereof is commenced, all of the foregoing duties thus imposed must be completed within 60 days after issuing the permit, unless at the time of issuance the Building Safety Director specifies in the permit a longer period of compliance. The Building Safety Director may specify a longer period if he finds that the unusual size, location, terrain, or complexity of construction renders the 60-day time limit unreasonable. If a longer time is specified in the permit, the Director shall indicate the basis for such allowance. After the expiration of the specified time limit, every day or part thereof during which the permittee's duties remain unperformed shall constitute a separate offense. **decommissioned pursuant to and approved by DEQ. A DEQ certificate of compliance is required as a condition of final.**

Section 15. Section 9.504 of the Medford Municipal Code shall be repealed as follows:

~~9.504 Other Requirements.~~

~~Disposition of the debris shall be in a location and manner approved upon review by the Building Safety Director and Fire Marshal, who shall base their approval upon the prevention of nuisance, hazard, or other condition prohibited by law. Considerations shall include but not be limited to proximity of disposal site to other buildings, fill sites, or facilities; ecological acceptability of the site; and fire hazard incurred because of the nature of the material deposited.~~

Section 16. Section 9.511 of the Medford Municipal Code is amended to read as follows:

Private Swimming Pools

9.511 Control of Artificial Bodies of Water.

Note: Commercial pools: Reference Oregon Administrative Rules, Chapter 333, Division 60 concerning public swimming pools as promulgated by the Department of Human Services under the authority established in Oregon Revised Statute 448.

Section 17. Section 9.520 of the Medford Municipal Code is amended to read as follows:

9.520 Conditions for Temporary Structures. Refer to the current adopted Oregon Residential Specialty Code or Oregon Structural Specialty Code, whichever is applicable.

~~Structures not fully complying with the provisions of the Building Code may be temporarily constructed and occupied on property if:~~

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- (1) ~~The structures are at least 30 feet from an adjacent building or structure.~~
- (2) ~~The structure is safe for use or occupancy for the purposes intended and the wiring and plumbing, if any, conform to the requirements of the appropriate code.~~
- (3) ~~The structure does not remain on the property for more than 90 days. One 90-day extension may be granted for cause by the Building Safety Director.~~
- (4) ~~SubSections (1) and (3) of this Section shall not apply to buildings not exceeding 30 square feet in area which are constructed and occupied for guard stations, telephone booths, ticket booths, and parking lot attendant booths.~~

Section 18. Section 9.531 of the Medford Municipal Code shall be repealed as follows:

~~9.531 Bond Required.~~

~~Before permission is granted under Section 9.530 the Building Safety Director shall require the person to furnish a bond with one or more sureties to the effect that they will indemnify the city for repairs to the streets and alleys or other property of the city, or damage and expense to any person occupying the streets or alleys by virtue of a franchise or otherwise, which results from transportation of a building on the streets or alleys of the city.~~

Section 19. Section 9.532 of the Medford Municipal Code shall be repealed as follows:

~~9.532 Payment to City in Case of Damage or Harm.~~

- (1) ~~If, as a result of transporting the building, the streets, alleys or other property of the city are damaged or if damage or costs result to a person occupying the streets or alleys by virtue of a franchise or otherwise, there shall be paid to the city by the person who transported the building a sum equal to the damage incurred. The amount received shall be placed in the proper fund of the city and the city shall pay the person damaged by the transportation of the building.~~
- (2) ~~If there is a failure of payment under subsection (1) of this Section by the person transporting the building, then the city may proceed to collect the amount of damages upon the bond furnished under the provisions of Section 9.531, in the manner provided by law.~~

Section 20. Section 9.533 of the Medford Municipal Code is amended to read as follows:

9.533 Permit Requirements for Moved Buildings.

- (1) No person shall move any building to a lot or store any building on a lot in any zoning district within the city, other than an industrial zoning district, unless the owner of the building first obtains all necessary permits and pays all required fees to move the building, construct a foundation and place the building on a foundation on that lot. Necessary permits and fees shall include but not be limited to moving permit, zone change, site plan and architectural commission review, system development charges, foundation permit, sewer and water connection permits, specialty code

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~~permits and fees and any other permits necessary for construction, addition, remodel or change of occupancy.~~

~~(2) Every building moved onto a lot shall be installed on a foundation within 30 days of the date of the move specified on the building permit.~~

~~3) Any owner of a building not on a foundation and existing on a lot as of the date of the passage of these provisions shall apply for and obtain the required permits specified in subsection (1) above and place the building on a foundation within 90 days of the adoption of these provisions.~~

~~(4) Notwithstanding the provisions of subsections (1) through (3) above, any person or entity who is exempt from taxation under Section 501 of the Internal Revenue Code of the United States and produces an IRS determination letter of proof thereof may store a building on any residential lot for 90 days. Upon written request to the Building Safety Department dated prior to the expiration of this initial 90-day period, a person may request an additional 90-day period to place a building on a foundation. Unless the 90-day extension would result in the creation or continuation of a public nuisance, the Building Safety Director shall grant the additional 90-day extension.~~

Section 21. Section 9.550 of the Medford Municipal Code shall be repealed as follows:

~~9.550 Parking Lot Specifications.~~

~~(1) Drainage. All parking lots shall be designed and constructed so that no surface run-off will drain across a sidewalk, bike path, driveway or walkway. Surface run-off is permitted to drain into an adjacent alley, if the alley has an existing storm drain system capable of handling the additional run-off. All run-offs shall be approved by the City Engineer.~~

~~(2) Base Material. Decomposed granite or 1" 0 crushed rock of a gradation approved by the city shall be used as base material. The base shall be compacted to a minimum of 95% of optimum density and shall exhibit a uniform grade in appearance. Unstable subgrade (soft spots) shall be removed and replaced with sub-base shale. Parking lot base material minimum thickness requirements are 4 inches of crushed rock or 6 inches of decomposed granite for asphalt surfaces and 2 inches of granite for concrete surfaces.~~

~~(3) Asphalt Surface. Asphalt surface lots shall be a 2 inch minimum thickness of Class "B" asphalt. All bituminous and concrete surfaces in contact with the asphalt shall be sprayed with tack coat prior to asphalt placement.~~

~~Asphalt shall be a temperature of between 250 and 300 degrees F at the time it is placed. It shall be placed on dry prepared surfaces and when the air temperature in the shade is 35 degrees F or warmer. Placing during rain or other adverse weather conditions will not be permitted, except that material in transit at the time adverse conditions may occur may be placed provided it is of proper temperature, has been covered during transit, and is placed on a foundation free from pools or flow of water.~~

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The asphalt shall be rolled immediately after the asphalt has been placed using a steel wheeled or pneumatic tired roller capable of transmitting sufficient force necessary to compact the material to 90% of optimum density. The finished surface shall be true to grade, free of irregularities and roller wheel marks.

~~(4) Concrete Surface. Concrete surface parking lots shall be a 6-inch minimum thickness of 3000-1-1/2 Portland Cement concrete. No concrete shall be placed when the ambient temperature is below 35 degrees F. Concrete subject to freezing temperatures during curing shall be adequately protected. The concrete shall be compacted using screens or tampers. The surface shall be finished as specified, with a uniform surface free from laitance, soupy mortar, marks or irregularities. Joints will be placed as specified on plans. When no specification is made, joints shall conform to Section 212.3.07 of the Standard Specifications for Public Works Construction, Oregon Chapter APWA. Immediately upon final surface finishing, the entire exposed surface of the newly laid concrete shall be covered and cured using a membrane forming compound, impervious sheeting, or saturated mats for at least 72 hours. Alternates to the above specifications may be approved by the City Engineer who shall inform the Building Safety Director of his approval.~~

~~(5) Permits.~~

~~(a) Building permits for the construction of parking lots are required. Permit fees shall be based on the total project valuation and Table 3-A of the Building Code.~~

~~(b) Any electrical work shall require a permit and be installed in accordance with the Electrical Code.~~

~~(c) Any catch basins or piping shall require a permit and be installed in accordance with the Plumbing Code.~~

Section 22. Section 9.560 of the Medford Municipal Code shall be amended to read as follows:

~~Hazardous Fences and Walls~~

~~9.560 Hazardous Fences and Walls.~~

Pursuant to and in conformance with Medford Code Section 10.731-10.733, the following shall be prohibited:

All new **commercial** fences exceeding 67 feet in height; **8 feet in height for residential chainlink fencing; and 7 feet for other fencing types**, including replacing existing fences, require a building permit with the fee based on the valuation and Medford Code Section 9.270, Table 9-A.

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Section 23. Section 9.565 is added to the Medford Municipal Code to read as follows:

9.565 Wood Roof Covering Materials

The use of wood shake and wood shingle roof covering materials for new construction, re-roofing, and repairs are prohibited. This prohibition includes wood shake and wood shingle roof covering materials with fire retardant treatments of any kind. Roof covering shall not be applied over existing wood shake or wood shingle roof coverings.

Exception: Roof repairs of less than 25% of the total roof area on existing structures, in any one year period, may be repaired with a minimum Class B fire-rated wood shake or wood shingle material treated by the full-cell vacuum-pressure.

Street Addresses

Section 24. Section 9.570 of the Medford Municipal Code shall be repealed as follows:

~~Street Addresses~~

~~9.570 Street Number Required on Premises.~~

~~The owner or tenant of every residence or place of business or other structure opening upon or having access to the streets of the city shall cause to be placed in a conspicuous place upon the main entrance or at the principal place of ingress to his premises a number, to be ascertained as provided in Sections 9.571 and 9.572.~~

Section 25. Section 9.571 of the Medford Municipal Code shall be repealed as follows:

~~9.571 Assignment of Numbers by Building Safety Director or His Designee.~~

~~(1) The Building Safety Director shall prepare a map or maps of the city and indicate thereon the numbers used to designate the premises, as provided in Section 9.570.~~

~~(2) In assigning the numbers, the Building Safety Director shall use Main Street and the main line of the Southern Pacific Railway as base lines for starting points for the numbering and shall allow 100 numbers to each block, and not less than one number to each 25 feet of street front.~~

~~(3) For east-west streets east of the base line, all numbers on the south side of said streets shall be even numbers, and all numbers on the north side of said streets shall be odd numbers. For east-west streets west of the base line, all numbers on the south side of said streets shall be odd numbers, and all numbers on the north side of said streets shall be even numbers. For north-south streets north of the base line, all numbers on the west side of said streets shall be odd numbers, and all numbers on the east side of said streets shall be even numbers. For north-south streets south of~~

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~~the base line, all numbers on the west side of said streets shall be even numbers, and all numbers on the east side of said streets shall be odd numbers.~~

Section 26. Section 9.572 of the Medford Municipal Code shall be repealed as follows:

~~9.572 Installation of Numbers.~~

~~Each property owner or tenant, as provided in Section 9.570, shall ascertain from the Building Safety Director the number so assigned to his premises, and shall cause that number to be affixed thereto in figures not less than three inches high. The figures shall be so placed as to be easily legible from the adjoining sidewalk or street, or public space.~~

Section 27. Section 9.600 of the Medford Municipal Code shall be repealed as follows:

~~Seismic Design Requirements for Existing Buildings~~

~~9.600 General.~~

~~(1) Scope. The provisions of this chapter shall prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, when the occupancy load is 150 or greater, additions, alterations, or repairs. The requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter the building, or repair the building.~~

~~(2) Authority. Pursuant to ORS 455.202(4), the provisions of this chapter prescribing seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the *Oregon Structural Specialty Code*.~~

Section 28. Section 9.602 of the Medford Municipal Code shall be repealed as follows:

~~9.602 Seismic Related Definitions.~~

~~Addition (see Building Addition).~~

~~Alteration (see Building Alteration).~~

~~ASCE 41 means the latest edition, *Seismic Evaluation and Retrofit of Existing Buildings*, published by the American Society of Civil Engineers. Previously known as *Seismic Rehabilitation of Existing Buildings*, it now includes ASCE 31.~~

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Aspect Ratio of parapets and appendages means the height of the component above the level of anchorage (*h*) divided by the depth of the component (*d*). For horizontal projecting appendages, the aspect ratio shall be defined as the horizontal projection beyond the vertical support of the building to the perpendicular dimension.

ASTM means the American Society for Testing of Materials. ATC 20 means the latest edition, *Post Earthquake Safety Evaluation of Buildings*, published by the Applied Technology Council.

BSE-1 means the Basic Safety Earthquake 1, referenced in ASCE 41, which is taken as the lesser of the ground shaking for a 10%/50 year earthquake or two-thirds of the BSE-2 at a site.

BSE-2 means the Basic Safety Earthquake 2, referenced in ASCE 41, which is taken as the ground shaking based on the MCE (Maximum Considered Earthquake) at a site.

BSO means the Basic Safety Objective, referenced in ASCE 41, which is the rehabilitation objective that achieves the dual rehabilitation goals of Life Safety Building Performance Level (3-C) for the

BSE-1 Earthquake Hazard Level and Collapse Prevention Building Performance Level (5-E) for the BSE-2 Earthquake Hazard Level.

Building Addition means an extension or increase in floor area or height of a building or structure.

Building Alteration means any construction or renovation to an existing structure other than repair or addition.

Catastrophic Damage means damage to a building from a catastrophic event that causes an unsafe structural condition.

Catastrophic Event means fire, flood, wind, earthquake, explosion, vehicle collision, or other calamity or act of God or the public enemy. For the purpose of this definition, unauthorized demolition or unauthorized construction, are considered catastrophic events.

Change of Occupancy means a change in the use of a building or portion of a building that would place the building or portion of the building in a different occupancy group or in a different division of the same occupancy group.

CISCA means the Ceiling and Interior Systems Construction Association.

Collapse Prevention Building Performance Level (5-E) means a level of damage to a building after a Base Seismic Event (BSE-1) referenced in ASCE 41, that is characterized by: Little residual strength and stiffness left in all stories. Gravity load-bearing elements remain functional. Some exits may be blocked. Infills and unbraced parapets have failed or failure is incipient. Building is near collapse.

Director means the Building Safety Director of the City of Medford or his designee.

Essential Facility has the same meaning as defined in the OSSC.

FEMA means the Federal Emergency Management Agency.

FEMA 154 means a standard, rapid visual screening procedure to identify, inventory, and rank buildings that are potentially seismically hazardous, utilizing the handbook *Rapid Visual Screening of Buildings for Potential Seismic Hazards*, published by FEMA.

~~Historic Building means a building that is listed on the State or National Register of Historic Places, or one that is located in a registered Historic District as identified in Chapter 10 of the Medford Code.~~

~~IEBC means the latest edition of the *International Existing Building Code*, as published by the International Code Council.~~

~~Life Safety Structural Performance Level (3-C) means a level of damage to a building after a Base Seismic Event (BSE-1), referenced in ASCE 41, that is characterized by: Some residual strength and stiffness left in all stories. Gravity load bearing elements remain functional. No out-of-plane failure of walls or tipping of parapets. Some permanent drift. Some damage to partitions. Falling hazards are mitigated but many architectural, mechanical, and electrical systems are damaged. Building may be beyond economical repair.~~

~~Masonry means adobe, burned clay brick, unburned clay brick, concrete brick, sand-lime brick, hollow clay block, concrete block, hollow clay tile, and stone.~~

~~Maximum Considered Earthquake (MCE) means an extreme earthquake hazard level referenced in ASCE 41, and defined by MCE maps (available from FEMA) which are based on a combination of mean 2%/50-year probabilistic spectra and 150% of median deterministic spectra at a given site.~~

~~MURA means the Medford Urban Renewal Agency.~~

~~Net floor area means the area of a building measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.~~

~~Occupant Load means the number of building occupants as determined by the OSSC.~~

~~OSSC means the latest edition of the *Oregon Structural Specialty Code* as adopted by Section 9.100.~~

~~Reinforced Masonry means masonry walls having both vertical and horizontal reinforcement as follows:~~

- ~~1. Vertical reinforcement of at least 0.20 in² in cross Section at each masonry wall corner or end, at each side of every opening, and at a maximum spacing of 4 feet throughout. One or two story buildings may have vertical reinforcing spaced at greater than 4 feet throughout provided that a rational engineering analysis is submitted which shows that existing reinforcing and spacing provides adequate resistance to all required design forces without net tension occurring in the wall.~~
- ~~2. Horizontal reinforcement of at least 0.20 in² in cross Section at the top of the wall, at the top and bottom of wall openings, at structurally connected roof and floor openings, and at a maximum spacing of 10 feet throughout.~~
- ~~3. The sum of the areas of horizontal and vertical reinforcement shall be at least 0.0005 times the gross cross sectional area of the element.~~
- ~~4. The minimum area of reinforcement in either direction shall not be less than 0.000175 times the gross cross sectional area of the element.~~

~~Repair means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.~~

~~Roof covering repair or replacement, as used in this Section, shall mean the installation of a new roof covering over 50% or more of the roof area. Reroofing shall comply with the OSSC.~~

~~Soft Story Building means a building that has a first story lateral force resisting system that has less than 70% of the stiffness of the lateral force resisting system of the adjacent story.~~

~~Tilt-Up Concrete Building means a concrete building comprised of concrete wall panels cast in a horizontal position and lifted or tilted into their vertical position.~~

~~Unreinforced Masonry (URM) means masonry that does not satisfy the definition of reinforced masonry as defined herein. Plain unreinforced concrete shall not be considered unreinforced masonry for the purpose of this chapter.~~

~~Unreinforced Masonry Building means a building that has at least one bearing wall (interior or exterior) that is unreinforced masonry.~~

~~Unsafe Condition means (but is not limited to) when any portion, member or appurtenance of a building has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or when any portion of a building or structure has been damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the damaging event.~~

Section 29. Section 9.610 of the Medford Municipal Code shall be repealed as follows:

~~9.610 Seismic Improvement Design Standards.~~

~~(1) General. The seismic improvement design standard shall be as follows:~~

~~_____ 1.1 For changes of occupancy, see Section 9.620.~~

~~_____ 1.2 For building additions, see Section 9.625.~~

~~_____ 1.3 For structural systems damaged by catastrophic events, see Section 9.630.~~

~~_____ 1.4 For building alterations, see Section 9.635.~~

~~_____ 1.5 For voluntary seismic improvements of existing buildings, see the seismic improvement standards on Table 9.620A.~~

~~(2) Alternate Standard. Where ASCE 41 is the specified seismic improvement standard, IEBC Appendix A may be used upon approval of the Director.~~

~~(3) Objective. Where ASCE 41 is the specified seismic improvement standard, the minimum rehabilitation objective is BSO (Basic Safety Objective). Rehabilitation of these structures to a higher standard is encouraged but not mandated.~~

Section 30. Section 9.615 of the Medford Municipal Code shall be repealed as follows:

~~9.615 Existing Use.~~

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For the purpose of this chapter, the existing use or occupancy of a building or property, or portion thereof, shall be its most recent previous legal use regardless of any period of time in which it may have remained unoccupied. The director shall make a determination of previous legal use upon examination of the evidence. Existing occupancies shall conform to all applicable requirements of this chapter, chapter 34 of the OSSC, and the Oregon Fire Code.

Section 31. Section 9.620 of the Medford Municipal Code shall be repealed as follows:

~~9.620 Change of Occupancy.~~

~~(1) Relative Hazard. The following table shall be used to classify the relative hazard of all building occupancies:~~

TABLE 9.620-A Relative Hazard Classification	OSSC Occupancy Classification	Seismic Improvement Standard
5 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5, police and fire stations	OSSC1
4	R-1, R-2, SR, I-1, I-4	OSSC1
3	B, M	ASCE 412
2	F-1, F-2, S-1, S-2	ASCE 412
1 (Lowest)	R-3, U	ASCE 412

~~Footnotes~~

~~1. OSSC Chapter 16.~~

~~2. ASCE 41 Basic Safety Objective.~~

~~(2) Occupancy Change to the Same or Lower Relative Hazard Occupancy. An occupancy change to the same or a lower relative hazard classification number will not require seismic improvements, unless the change results in an occupant load of 150 persons or more, or if the triggers in Section 9.635 are met.~~

~~(3) Occupancy Change to a Higher Relative Hazard Occupancy. An occupancy change to a higher relative hazard classification number (relative hazard number 2, 3, 4, or 5), with an occupant load over 150, will require seismic improvements in accordance with Table 9.620-A, to the entire structure.~~

~~3.1. When the area of the change of occupancy occupies less than 10% of the net floor area of the story in which it is located, and the occupant load of the area of change will not exceed 150, only the immediate area of the change of occupancy and the means of egress from the area of the change of occupancy will need seismic improvements.~~

~~(4) Occupancy Change to an Essential Facility. Notwithstanding the provisions of 9.635, all structures, which are being converted to essential facilities, will require seismic improvements to the entire structure, using the current edition of the Oregon Structural Specialty Code.~~

~~(5) Occupancy Change to Live Work Space. Any building occupancy classified as a relative hazard category 1, 2, or 3 may undergo a change of occupancy to a live-work space provided that both of the following conditions are met:~~

~~5.1. The building shall be improved such that the entire building conforms to the ASCE 41 improvement standard, and~~

~~5.2. The building shall meet the fire and life safety standards of the current OSSC and the Oregon Fire Code.~~

Section 32. Section 9.625 of the Medford Municipal Code shall be repealed as follows:

~~9.625 Building Additions.~~

~~An addition that is structurally dependent on an existing building shall be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings as found in the OSSC, unless all three of the following conditions are met:~~

~~1.1. The addition shall comply with the requirements for new buildings, and;~~

~~1.2. The addition shall not increase the seismic forces in any existing structural element of the building by more than 5 percent unless the capacity of the element subject to the increased forces is equal to or greater than that required for new buildings, and;~~

~~1.3. The addition shall not decrease the seismic resistance of any existing structural element of the building unless the reduced seismic resistance of the element is equal to or greater than that required for new buildings.~~

Section 33. Section 9.630 of the Medford Municipal Code shall be repealed as follows:

~~9.630 Structural Systems Damaged by Catastrophic Events.~~

~~(1) Discovery and Repair. After a catastrophic event, the Director may determine through either an ATC 20 procedure or through other subsequent discovery, that a structure or portion thereof is in an unsafe condition. As a result of this determination, the Director may declare the structure or portion thereof to be a dangerous building and to be repaired, or abated by demolition and removal in accordance with subSection 9.400.~~

~~(2) Building Structural Systems damaged less than or equal to 50 percent. If a building is damaged by a catastrophic event, and the director determines that the area of the resulting structural damage is less than 50 percent of the building's net area, all damaged lateral load-resisting components of the building's structural system must be designed and rebuilt to either the ASCE 41 improvement standard, or to the code under which the building was originally permitted, whichever is greater.~~

Undamaged components need not be upgraded, unless required by other provisions of this Section or the provisions of the OSSC.

~~(3) Building Structural Systems damaged more than 50 percent. If a building is damaged by a catastrophic event, and the director determines that the area of the resulting structural damage is greater than 50 percent of the building's net area, all lateral load-resisting components of the entire building's structural system must be designed and constructed to the provisions of the OSSC.~~

~~(4) Compatibility. All new lateral system elements must be compatible with any existing lateral and vertical system elements, including foundations. The engineer of record shall confirm that the new lateral system elements do not introduce seismic deficiencies where none previously existed, or make existing conditions more hazardous. These components must also be compatible with, and connected to the balance of the undamaged lateral load-resisting system in conformance with the provisions of the OSSC.~~

Section 34. Section 9.635 of the Medford Municipal Code shall be repealed as follows:

~~9.635 Building Alterations and Repairs.~~

~~(1) General. Any structural alteration or repair to an existing building shall meet all three of the following conditions:~~

~~1.1. The alteration shall comply with the requirements for new buildings, and;~~

~~1.2. The alteration shall not increase the seismic forces in any existing structural element of the building by more than 5 percent unless the capacity of the element subject to the increased forces is equal to or greater than that required for new buildings, and;~~

~~1.3. The alteration shall not decrease the seismic resistance of any existing structural element of the building unless the reduced seismic resistance of the element is equal to or greater than that required for new buildings.~~

~~(2) Triggers. When the cost of alteration or repair work which requires a building permit in a 2-year period exceeds the lesser of either \$100,000 total, or \$15 per square foot for the total net floor area in the building, a FEMA 154 seismic hazard screening is required. The screening must be completed and submitted to the Building Safety Department before a permit will be issued. A previously prepared seismic study may be submitted for consideration by the Department as equivalent to an FEMA 154 seismic hazard screening.~~

~~2.1 The alteration or repair costs need not include costs for facade improvements funded through the Medford Urban Renewal Agency, site improvements (including landscaping), mandated or voluntary ADA improvements, mandated or voluntary seismic improvements, and mandated or voluntary fire suppression systems.~~

~~2.2 If, upon completion of the FEMA 154 seismic hazard screening, the building attains a score of 2 or less, then the entire building shall be improved seismically such that the entire building conforms to the improvement standard as specified in Table 9.620 A.~~

~~2.3. The following shall be exempted from this requirement:~~

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~~2.3.1. Buildings other than tilt-up concrete, constructed or structurally renovated under a permit issued under the State of Oregon Structural Specialty Code and Fire and Life Safety Code, 1976 Edition, or subsequent code, unless specific seismic hazards have been discovered by an analysis.~~

~~2.3.2. Tilt-up concrete buildings constructed or structurally renovated under a permit issued under the State of Oregon 1998 Edition Structural Specialty Code, or subsequent code, unless specific seismic hazards have been discovered by an analysis.~~

~~2.3.3. Detached one and two family dwellings and structures accessory thereto (R-3 or U occupancies) not more than 2 stories in height.~~

~~(3) Roof Covering. When a roof covering is repaired or replaced, as defined in 9.602, the building structural roof system, anchorage, parapets, and appendages shall be repaired or rehabilitated, such that, at a minimum, the wall anchorage for both in-plane and out-of-plane forces at the roof and parapet bracing conform to the ASCE 41 improvement standard. In-plane brick shear tests are not required as part of the ASCE evaluation under this subSection.~~

~~3.1 The following shall be exempted from this requirement:~~

~~3.1.1. Buildings (other than tilt-up concrete) constructed or structurally renovated under a permit issued under the State of Oregon Structural Specialty Code and Fire and Life Safety Code, 1976 Edition, unless specific seismic hazards have been discovered by an analysis.~~

~~3.1.2. Tilt-up concrete buildings constructed or structurally renovated under a permit issued under the State of Oregon, 1998 Edition, Structural Specialty Code, unless specific seismic hazards have been discovered by an analysis.~~

~~3.1.3. Detached One and two family dwellings and structures accessory thereto (R-3 or U occupancies).~~

~~(4) Parapets and Appendages. When seismic improvement is required by this or any Section of this chapter, the following parapets and appendages shall be rehabilitated:~~

~~4.1. Unreinforced masonry parapets with an aspect ratio greater than 1.5.~~

~~4.2. Reinforced masonry or reinforced concrete parapets with an aspect ratio greater than 3.0.~~

~~4.3. Cornices or ledges constructed of stone, terra-cotta, or brick, unless supported by a steel or reinforced concrete structure.~~

~~4.4. Sculptures, finials, chimneys and ornamental features constructed of stone, terra-cotta, masonry, or concrete with an aspect ratio greater than 1.5.~~

~~(5) Suspended Ceilings. When a suspended ceiling is altered in any way, including replacement of the panels, the grid system and light fixture supports in the altered area must be revised as needed to bring the system into compliance with the lateral bracing provisions of ASTM E 580 or CISCA Zone 3-4.~~

~~(6) Use of Impact Tools. Use of jack hammers, chipping guns, and rotary hammers are prohibited in URM buildings, including the concrete portions of these buildings.~~

~~(7) Tilt-Up Concrete Buildings. When a building having exterior walls of reinforced concrete tilt-up panels is being altered, the connections of the roof structure to the exterior walls shall be mitigated to resist and distribute the forces as defined in the OSSC, when one of the following conditions is met:~~

~~7.1 The building was constructed under a permit issued prior to the adoption of the State of Oregon, 1998 Edition, Structural Specialty Code.~~

~~7.2 Specific deficiencies are found after analysis or other discovery.~~

~~(8) Soft Story Buildings. When a building having a soft story at the ground floor is being altered, the soft story shall be mitigated to resist the forces as defined in the OSSC, when both of the following two conditions are met:~~

~~8.1. The building has a Relative Hazard Classification of 4 or 5 per Table 9.620A, and;~~

~~8.2. The building was constructed under a permit issued prior to the adoption of the State of Oregon, 1998 Edition, Structural Specialty Code.~~

Section 35. Section 9.637 of the Medford Municipal Code shall be repealed as follows:

~~9.637 Egress Through Adjacent Buildings.~~

~~When an existing building undergoing an addition, alteration, repair, or change of occupancy is required by this Section to be improved to resist seismic forces, and that building has one or more required paths of egress extending over, under or through an adjacent building, the adjacent building shall be improved to the same seismic improvement standard as the building undergoing the addition, alteration, repair or change of occupancy.~~

Section 36. Section 9.645 of the Medford Municipal Code shall be repealed as follows:

~~9.645 Phasing of Improvements.~~

~~(1) Approval. The Building Safety Director may approve a multi-year phased program of seismic improvements when the improvements are pre-designed and an improvement/ implementation plan is approved by the Building Safety Director. The maximum total time allowed for completion of phased improvements shall be seven years, and the improvements must be phased at reasonable intervals over that seven-year period.~~

~~(2) Agreement. A legal agreement between the building owner and the City shall be formulated, outlining the phased seismic improvements and penalties for not meeting the phase date targets. The agreement shall be recorded with the property deed at the Jackson County Recorder's Office.~~

Section 37. Section 9.650 of the Medford Municipal Code shall be repealed as follows:

~~9.650 Application of Other Requirements.~~

~~(1) Exemptions. Building permit applications to improve the seismic capability of a building shall not trigger any of the following:~~

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- ~~1.1 Accessibility improvements so long as the seismic improvement does not lessen accessibility;~~
- ~~1.2. Fire and life safety improvements so long as the seismic improvement does not lessen the building's fire resistance or exiting capability;~~
- ~~1.3. Landscape improvements required by the Land Development Code Chapter 10;~~
- ~~1.4. Street tree improvements required by the Land Development Code.~~
- ~~(2) Future Regulations. Conformance with these regulations may not exempt buildings from future seismic regulations.~~
- ~~(3) Historic Buildings. Seismic improvements to qualified historic buildings may be subject to review by the Landmarks Historic Preservation Commission if required by the Land Development Code, Chapter 10.~~
- ~~(4) Inspection. Inspection and special inspection of seismic improvements will be in accordance with the provisions of the OSSC.~~

Section 38. Section 9.655 of the Medford Municipal Code shall be repealed as follows:

~~9.655 Fees.~~

~~Building permit, plan review and fire and life safety review fees for voluntary seismic improvements are waived when such fees total less than \$2,500, and reduced by 50% when such fees would total \$2,500 or more.~~

Section 39. Section 9.701 of the Medford Municipal Code shall be repealed as follows:

~~FLOOD DAMAGE PREVENTION REGULATIONS AND FLOOD INSURANCE RATE MAPS~~

~~(The following Sections 9.701 through 9.707 shall be effective May 3, 2011)~~

~~9.701. Flood Damage Prevention — Purpose.~~

~~The purposes of Sections 9.701–9.707 are to:~~

- ~~(1) Protect human life, health and property;~~
- ~~(2) Minimize damage to public facilities and utilities, such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;~~
- ~~(3) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;~~
- ~~(4) Minimize expenditure of public money for costly flood-control projects;~~
- ~~(5) Minimize the need for rescue, emergency services, and relief associated with flooding and generally undertaken at the expense of the general public;~~
- ~~(6) Minimize prolonged business interruptions, unnecessary disruption of commerce, access and public service during times of flood;~~

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- (7) Ensure that potential buyers are notified that property is in an Area of Special Flood Hazard;
- (8) Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions, and;
- (9) Manage the alteration of Areas of Special Flood Hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions.

Section 40. Section 9.702 of the Medford Municipal Code shall be repealed as follows:

~~9.702. Flood Damage Prevention Methods.~~

~~To accomplish its purposes, Sections 9.701–9.707 include methods and provisions to:~~

- ~~(1) Require development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, to be protected against flood damage at the time of initial construction;~~
- ~~(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion; Control filling, grading, dredging and other development which may increase flood damage or erosion;~~
- ~~(3) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;~~
- ~~(4) Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store floodwaters, and;~~
- ~~(5) Coordinate with and supplement provisions of State of Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.~~

Section 41. Section 9.703 of the Medford Municipal Code shall be repealed as follows:

~~9.703. Flood Damage Prevention—Definitions.~~

~~When used in Sections 9.701–9.707, the terms below shall have the meanings herein ascribed. Unless specifically defined below, words or phrases used in Sections 9.701–9.707 shall be interpreted according to the meaning they have in common usage.~~

~~Appeal. A request for review of the Floodplain Administrator’s interpretation of provisions of Sections 9.701–9.707.~~

~~Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.~~

~~Certification, No Rise. A certification by a registered professional civil engineer that demonstrates, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that an encroachment will not result in any increase in flood levels affecting adjoining property during the occurrence of the Base Flood discharge.~~

~~Construction, New. A structure for which the “Start of Construction” commenced after May 3, 2011 and includes subsequent substantial improvements to the structure.~~

~~Construction, Start of. This includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.~~

~~Crawlspace, Below Grade. An enclosed area below the Base Flood Elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.~~

~~Damage, Substantial. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of its market value before the damage occurred.~~

~~Datum. The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum now used by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).~~

~~Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the Area of Special Flood Hazard. Work exempt from Oregon Residential Specialty Code, Section R105.2 requires a Floodplain Development Permit unless specifically exempted by definition in Sections 9.701–9.707. Development does not include signs, markers, aids, etc. placed by a public agency to serve the public.~~

~~Dwelling, Manufactured or Manufactured Home. A structure, transportable in one or more Sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Dwelling” does not include a “Recreational Vehicle.”~~

~~Elevation, Water Surface. The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the floodplains of riverine areas.~~

~~Encroachment. The advancement or infringement of uses, fill, excavation, buildings, permanent structures, stream habitat restoration, or other development into a Floodway, which may impede or alter the flow capacity of a floodplain.~~

~~Building, Elevated. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.~~

~~Facility, Critical. See "Facility, Essential".~~

~~Facility, Essential or Critical:~~

~~a. Hospitals and other medical facilities having surgery and emergency treatment areas;~~

~~b. Fire and police stations;~~

~~c. Tanks or other structures containing, housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;~~

~~d. Emergency vehicle shelters and garages;~~

~~e. Structures and equipment in emergency preparedness centers;~~

~~f. Standby power generating equipment for essential facilities; and,~~

~~g. Structures and equipment in government communication centers and other facilities required for emergency response.~~

~~Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) The overflow of inland or tidal waters; or (2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~Flood, Base. The flood having a 1.0% chance of being equaled or exceeded in any given year.~~

~~Flood Elevation, Base (BFE). The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation is depicted on the Flood Insurance Rate Maps to the nearest foot and in the Flood Insurance Study to the nearest 0.1 foot. Same as "Design Flood Elevation".~~

~~Flood Hazard, Area of Special. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year (the area in which a base flood occurs). Zones designating Areas of Special Flood Hazard on Flood Insurance Rate Maps always include the letters A or V. Also known as the Special Flood Hazard Area.~~

~~Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the Areas of Special Flood Hazard and/or risk premium zones applicable to the community.~~

~~Flood Insurance Rate Map, Digital (DFIRM). A map that depicts flood risk and zones, and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.~~

~~Flood Insurance Study (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, Regulatory Floodway boundaries and water surface elevations of the Base Flood.~~

~~Floodway. The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot. For the City of Medford, Bear Creek is the only watercourse with a Regulatory Floodway defined herein.~~

~~Floor, Lowest. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor, provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the Specialty Codes and Sections 9.701-9.707. The lowest floor of a manufactured dwelling is the bottom of the longitudinal chassis frame beam in A zones.~~

~~Grade, Highest Adjacent. The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate (FEMA Form 81-31) for more information.~~

~~Improvement, Substantial. Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the Market Value of the structure before the "Start of Construction" of the improvement. This term includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed.~~

~~The Market Value of the structure is:~~

- ~~a. the real market value of the structure prior to the start of the initial repair or improvement; or~~
- ~~b. in the case of damage, the real market value of the structure prior to the damage occurring.~~

~~The term "Substantial Improvement" does not include either:~~

- ~~a. a project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or,~~
- ~~b. alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.~~

~~Letter of Map Change (LOMC). An official Federal Emergency Management Agency determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:~~

~~Letter of Map Amendment (LOMA) A revision based on technical data showing that a property was inadvertently included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood Hazard Area;~~

~~Letter of Map Revision (LOMR) A revision based on technical data showing, due to manmade alterations, changes to flood zones, flood elevations, or floodplain and Regulatory Floodway delineations. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the Special Flood Hazard Area;~~

~~Conditional Letter of Map Revision (CLOMR) A formal review and comment by the Federal Emergency Management Agency as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.~~

~~Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.~~

~~Specialty Codes. The combined specialty codes adopted under ORS 446.062, 446.185, 447.020(2), 455.020(2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730(1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS Chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. The combined specialty codes are often referred to as building codes.~~

~~Structure. A walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.~~

~~Structure, Accessory. Same as definition of "Building, accessory" under Section 10.012.~~

~~Structure, Historic. A structure that is:~~

~~a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~

~~b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;~~

~~c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or,~~

~~d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:~~

~~i. By an approved state program as determined by the Secretary of the Interior, or;~~

~~ii. Directly by the Secretary of the Interior in states without approved programs.~~

~~Use, Water Dependent. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a dam or irrigation canal. The term does not include long-term storage, manufacture, sales, or service facilities.~~

~~Variance. A grant of relief from a requirement of Sections 9.701-9.706 by permitting construction in a manner that would otherwise be prohibited by said Sections.~~

~~Vehicle, Recreational. A vehicle that is:~~

~~a. Built on a single chassis;~~

~~b. 400 square feet or less when measured at the largest horizontal projection;~~

~~c. Designed to be self-propelled or permanently towed by a light duty truck, and;~~

~~d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~Violation. The failure of a structure or other development to be fully compliant with the floodplain management regulations of Sections 9.701-9.707. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.~~

~~Watercourse. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.~~

Section 42. Section 9.704 of the Medford Municipal Code shall be repealed as follows:

~~9.704. Flood Damage Prevention — General Provisions.~~

~~A. Applicability.~~

~~Sections 9.701–9.707 shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Medford. Nothing in Sections 9.701–9.707 is intended to allow uses or structures that are otherwise prohibited by the Land Development Code or Specialty Codes.~~

~~B. Basis for Area of Special Flood Hazard.~~

~~The Area of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the City of Medford dated May 3, 2011, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), are adopted by reference and declared a part of Sections 9.701–9.707. The FIS and the FIRM are on file at the offices of the City of Medford, 200 South Ivy Street.~~

~~C. Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division.~~

~~Pursuant to the requirement established in ORS 455 that the City administers and enforces the State of Oregon Specialty Codes, the City of Medford does hereby acknowledge that the Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas of Special Flood Hazard. Therefore, Sections 9.701–9.707 is intended to be administered and enforced in conjunction with the Specialty Codes.~~

~~D. Requirement for a Floodplain Development Permit.~~

~~A Floodplain Development Permit shall be required prior to initiating development activities in any Areas of Special Flood Hazard established in Section 9.704(B).~~

~~E. Interpretation.~~

~~In the interpretation and application of Sections 9.701–9.707, all provisions shall be:~~

~~(1) Considered as minimum requirements; and,~~

~~(2) Deemed neither to limit nor repeal any other powers granted under state statutes, including state Specialty Codes.~~

~~F. Warning and Disclaimer of Liability.~~

~~The degree of flood protection required by Sections 9.701–9.707 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Medford or any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on Sections 9.701–9.707 or an administrative decision lawfully made hereunder.~~

Section 43. Section 9.705 of the Medford Municipal Code shall be repealed as follows:

~~9.705. Flood Damage Prevention Regulations Administration.~~

~~A. Designation of Floodplain Administrator.~~

~~The Building Official is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of Sections 9.701–9.707.~~

~~B. Duties and Responsibilities of the Floodplain Administrator.~~

~~Duties of the Floodplain Administrator shall include, but not be limited to:~~

- ~~(1) Review all proposed development to determine whether it will be located in Areas of Special Flood Hazard or other flood-prone areas;~~
- ~~(2) Review applications for new development or modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of Sections 9.701–9.707;~~
- ~~(3) Review proposed development to ensure that necessary permits have been received from governmental agencies from which approval is required by Federal or state law. Copies of such permits shall be maintained on file;~~
- ~~(4) Review all development permit applications to determine if proposed development is located in the Regulatory Floodway, and if so, ensure that the encroachment standards of SubSection 9.706.B, Development in Regulatory Floodways, are met.~~
- ~~(5) When Base Flood Elevation data have not been established in SubSection 9.704.B, Basis for Area of Special Flood Hazard, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and Floodway data available from a Federal, state or other authoritative source in order to administer the provisions of Sections 9.701–9.707;~~
- ~~(6) When Base Flood Elevations are not available from an authoritative source, the Floodplain Administrator shall require Base Flood Elevations to be developed in accordance with Paragraph 9.706(A)(2);~~
- ~~(7) When a determination is needed of the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make a determination. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the determination per Section 10.051;~~
- ~~(8) Issue Floodplain Development Permits when the provisions of Sections 9.701–9.707 have been met, or deny the same in the event of noncompliance;~~
- ~~(9) Ensure that applications for building permits comply with the requirements of Sections 9.701–9.707;~~
- ~~(10) Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective Flood Insurance Rate Map, or, in relation to the highest adjacent grade where no Base Flood Elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures, including manufactured dwellings;~~

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- (11) Obtain, verify and record the actual elevation of finished construction, in relation to the vertical datum used on the effective Flood Insurance Rate Map, or highest adjacent grade where no Base Flood Elevation is available, to which any new or substantially improved non-residential buildings or structures have been flood proofed. When flood proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of elevation to which the structure was flood proofed from a registered professional engineer or land surveyor;
- (12) Ensure that all records and certifications pertaining to the provisions of Sections 9.701–9.707 are permanently maintained in the City of Medford Building Safety Department and available for public inspection;
- (13) Make periodic inspections of Areas of Special Flood Hazard to establish that development activities are being performed in compliance with Sections 9.701–9.707, and to verify that existing buildings and structures maintain compliance with Sections 9.701–9.707;
- (14) Inspect areas where buildings and structures in Areas of Special Flood Hazard have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure; and,
- (15) Make substantial improvement and substantial damage determinations for all structures located in Areas of Special Flood Hazard.

C. Floodplain Development—Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator or designee on forms furnished by the Floodplain Administrator or designee prior to starting development activities. Specifically, the following information is required:

(1) Application Stage.

- a. Plans drawn to scale, with elevations of the project area, and the nature, location, and dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities;
- b. Delineation of Areas of Special Flood Hazard, Regulatory Floodway boundaries including Base Flood Elevations, or flood depth in AO zones, where available;
- c. For all proposed structures, elevation of the lowest enclosed area in relation to the highest adjacent grade and the Base Flood Elevation (or flood depth in AO zones), including crawlspace or basement, elevation of the top of the proposed garage slab, if any, and elevation of the next highest floor.
- d. Locations and sizes of all flood openings, if required, in any proposed building;
- e. Elevation to which a non-residential structure will be flood proofed;
- f. Certification from a registered professional engineer that any proposed non-residential flood-proofed structure will meet the flood proofing criteria of the National Flood Insurance Program (NFIP) and Specialty Codes;
- g. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;
- h. Proof that application has been made for necessary permits from other governmental agencies from which approval is required by Federal or state law.

~~(2) Construction Stage.~~

- ~~a. Copies of all necessary permits from other governmental agencies from which approval is required by Federal or state law shall be provided prior to start of construction.~~
- ~~b. Development activities shall not begin without an approved Floodplain Development Permit;~~
- ~~c. For all new construction and substantial improvements, the Floodplain Development permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction; and,~~
- ~~d. Any deficiencies identified by the Floodplain Administrator shall be corrected by the Floodplain Development Permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop work order for the project.~~

~~(3) Certificate of Occupancy.~~

- ~~a. In addition to the requirements of the Specialty Codes pertaining to Certificate of Occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:~~
 - ~~i. For elevated buildings and structures in Areas of Special Flood Hazard (all A zones), the elevation of the lowest floor, including basement or, where no Base Flood Elevation is available, the height above highest adjacent grade of the lowest floor; and,~~
 - ~~ii. For non-residential buildings and structures that have been flood proofed, the elevation to which the building or structure was flood proofed.~~
- ~~b. Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a Certificate of Occupancy until such deficiencies are corrected.~~

~~(4) Expiration of Floodplain Development Permit. A Floodplain Development Permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing.~~

~~D. Waterecourse Alterations.~~

- ~~(1) Development shall not diminish the flood-carrying capacity of a waterecourse. If any waterecourse will be altered or relocated as a result of the proposed development, the applicant must submit certification by a registered professional engineer that the flood-carrying capacity of the waterecourse will not be diminished.~~
- ~~(2) The applicant shall be responsible for obtaining all necessary permits from governmental agencies from which approval is required by Federal or state law, including, but not limited to, Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1334); the Endangered Species Act of 1973 (16 USC 1531-1544); and State of Oregon Department of State Lands regulations.~~

~~(3) If the altered or relocated watercourse is part of an Area of Special Flood Hazard, the applicant shall notify other affected jurisdictions and Oregon Department of Land Conservation and Development (the NFIP Coordinating Agency for Oregon) prior to any alteration or relocation of the watercourse. Evidence of notification must be submitted to the Floodplain Administrator and to the Federal Emergency Management Agency as set forth in Section 9.705(E) below.~~

~~(4) The applicant shall be responsible for ensuring necessary maintenance for the altered or relocated portion of the watercourse is provided so that the flood-carrying capacity will not be diminished.~~

~~(5) The applicant shall meet the requirements to submit technical data in Section 9.705(E) below, when an alteration of a watercourse results in the expansion, relocation or elimination of the Special Flood Hazard Area.~~

~~*E. Requirement to Submit New Technical Data.*~~

~~(1) Within six months of project completion, an applicant who obtains an approved Conditional Letter of Map Revision from the Federal Emergency Management Agency (FEMA), or whose development alters a watercourse that is part of an Area of Special Flood Hazard, or modifies floodplain boundaries or Base Flood Elevations, shall obtain from FEMA a Letter of Map Revision reflecting the as-built changes to the Flood Insurance Rate Map.~~

~~(2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.~~

~~(3) Applicants shall be responsible for all costs associated with obtaining a Conditional Letter of Map Amendment or Letter of Map Revision from FEMA.~~

~~(4) When the applicant has demonstrated that the project will or has met all applicable requirements of this Section, the Floodplain Administrator may sign the Community Acknowledgement Form, which is part of the Conditional Letter of Map Amendment or Letter of Map Revision application.~~

~~*F. Non-Conversion of Enclosed Areas Below the Lowest Floor.*~~

~~To ensure that enclosed areas below the lowest floor continue to be used solely for parking vehicles, limited storage, or access to the building, and not be finished for use as human habitation, the Floodplain Administrator shall:~~

~~(1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher; and~~

~~(2) Require those applicants to enter into a "Non-Conversion Deed Declaration for Construction Within Flood Hazard Areas" or equivalent, with the City of Medford. The deed declaration shall be recorded with Jackson County. The deed declaration shall be in a form acceptable to the Floodplain Administrator and City Attorney.~~

Section 44. Section 9.706 of the Medford Municipal Code shall be repealed as follows:

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9.706. Flood Damage Prevention Regulations Flood Hazard Reduction Provisions.

A. Site Improvements and Subdivisions.

All plans and permits for new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes such things as historical data, high water marks, and photographs of past flooding.

(1) Building lots shall have adequate buildable area outside of Floodways.

(2) Where Base Flood Elevation data has not been provided or is not available from another authorized source, it shall be generated for land division proposals and other proposed developments.

(3) New site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities, such as sewer, gas, electric and water systems, located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities, such as sewer, gas, electric and water systems, likewise, shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.

(4) New and replacement onsite waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, or discharges from them, during flooding.

(5) Subdivisions and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

B. Development in Regulatory Floodway

(1) Encroachments are prohibited in the Regulatory Floodway unless a registered professional civil engineer provides a No Rise Certification.

(2) Any fill permitted to be placed in the Regulatory Floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour.

(3) Before the City will permit an encroachment in the Regulatory Floodway that will cause any increase in the base flood elevation, applicants shall obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency, unless the development causes a temporary encroachment and the conditions in (4), below, are satisfied.

(4) Temporary encroachments in the Regulatory Floodway for the purposes of capital improvement projects (including bridges) require a Floodplain Development Permit. A conditional or final Letter of Map Revision shall not be required. Up to a one foot rise in the base flood elevation shall be allowed due to temporary encroachments associated with capital improvement projects, when:

a. The project is limited as to duration, with the days and dates that the structure or other development will be in the Regulatory Floodway specified in the Floodplain Development Permit;

b. Accessory structures (i.e. construction trailers) are restricted from the Regulatory Floodway;

c. The project limits placement of equipment and material in the Regulatory Floodway to that which is absolutely necessary for the purposes of the project;

d. The project includes a flood warning system sufficient to allow equipment to be evacuated from the Regulatory Floodway and placed outside the Area of Special Flood Hazard in the event of imminent flood;

e. The project applicant identifies any insurable structures affected by temporary changes to the Area of Special Flood Hazard or Base Flood Elevation and notifies owners of any increased risk of flooding; and,

f. The project applicant is provided with written notification that they may be liable for any flood damages resulting from the temporary encroachment.

C. Zones with Base Flood Elevations but No Regulatory Floodway.

(1) In areas within Zone AE on the community's FIRM where no Regulatory Floodway has been designated, the floodway is the channel of the stream. Encroachments shall be prohibited in the channel or floodway unless all the provisions of 9.706.B are satisfied.

(2) In Areas of Special Flood Hazard, encroachments shall be prohibited unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(3) Applicants of proposed projects that increase the Base Flood Elevation more than one foot shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. As soon as possible, but no later than six months after project completion, an application for a Letter of Map Revision (LOMR) shall be submitted by the applicant to FEMA. The applicant is responsible for paying any costs associated with the CLOMR and LOMR process.

D. Areas of Special Flood Hazard without Base Flood Elevations.

(1) When Areas of Special Flood Hazard have been provided, but Base Flood Elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and/or Flood Insurance Rate Maps, the Floodplain Administrator shall obtain, review, and utilize scientific or historic Base Flood Elevation and Regulatory Floodway data available from a Federal, state, or other source, in order to administer these regulations. If Base Flood Elevations are not available, subSection (3) below shall apply.

(2) Where the Floodplain Administrator has obtained Base Flood Elevation data, Section 9.706(C) and 9.706(E) through (K) shall apply.

(3) In Areas of Special Flood Hazard without Base Flood Elevation data no encroachments shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or 50 feet, whichever is greater, measured from the ordinary high water mark of the stream, unless a Base Flood Elevation is developed by a licensed professional engineer.

E. Building Design and Construction

Buildings and structures, including manufactured dwellings, within the scope of the Building Codes, including repair of substantial damage and substantial improvement of such existing buildings and structures, shall be designed and constructed in accordance with the flood-resistant construction provisions of these codes.

F. Below-Grade Crawlspace.

Below-grade crawlspaces are allowed subject to the following standards as illustrated in FEMA Technical Bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas":

(1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in SubSection (2) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(2) The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(4) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(5) The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(6) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(7) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel/crushed stone drainage by gravity or mechanical means.

(8) The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

G. Recreational Vehicles.

In all Areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the land development code must:

(1) Be placed on the site for fewer than 180 consecutive days; or,

(2) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition.

H. Essential Facilities.

Construction of new essential facilities shall be located outside the limits of the Area of Special Flood Hazard, except that construction of new essential facilities shall be permissible within the Area of Special Flood Hazard if no feasible alternative site is available. Flood proofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the Base Flood Elevation shall be provided to all essential facilities to the maximum extent possible.

I. Tanks.

New and replacement tanks in an Area of Special Flood Hazard shall either be elevated above the Base Flood Elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the Design Flood.

New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the Design Flood.

J. Fences and Walls

New and replacement fencing in an Area of Special Flood Hazard shall be designed to collapse under conditions of the Base Flood or to allow the passage of water by having flaps or openings in the areas at or below the Base Flood Elevation sufficient to allow flood water and associated debris to pass freely.

K. Other Development, including Accessory Structures, in High Hazard Areas.

All development in high hazard areas (all A zones) for which provisions are not specified in Sections 9.701-9.707 or building codes, shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Be designed so as not to impede flow of floodwaters under Base Flood conditions;
- (3) If located in a Regulatory Floodway, meet the limitations of Section 9.706.B;
- (4) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (5) Be constructed of flood damage resistant materials;
- (6) Have electric service and or mechanical equipment elevated above the Base Flood Elevation (or depth number in AO zones), except for minimum electric service required to address life safety and electric code requirements;
- (7) *Relief from elevation or dry flood proofing standards may be granted for new and replacement, or substantially improved accessory structures containing no more than 200 square feet; larger*

~~than 200 square feet, building codes apply. Such a structure must meet (1) through (6) of this SubSection, and, in addition, shall meet the following standards:~~

- ~~a. It shall not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;~~
- ~~b. Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored below Base Flood Elevation, or where no Base Flood Elevation is available, lower than three feet above grade, unless confined in a tank installed in compliance with this Section;~~
- ~~c. It shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect, or:~~
 - ~~i. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;~~
 - ~~ii. The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening; and,~~
 - ~~iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.~~

Section 45. Section 9.707 of the Medford Municipal Code shall be repealed as follows:

~~9.707. Flood Damage Prevention Variance.~~

~~Variances from the provisions of Sections 9.701-9.706 may be permitted when there are practical difficulties or unnecessary hardships created in carrying out the provisions. The basis for a variance shall be the physical circumstances or characteristics of a lot; a variance shall not be based on the inhabitants or owners of the property, their economic or financial circumstances, or the condition or situation of structures on the property. The burden is on the applicant to show that the variance is warranted and meets the approval criteria set out herein.~~

~~The provisions of this Section are not the same as, nor to be confused with, provisions for Exceptions in the Land Development Code.~~

~~A variance may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties without regard to the procedures set forth in this Section.~~

~~A. Variance Procedure.~~

~~(1) An application for a variance from the Flood Damage Prevention regulations must be submitted to the Floodplain Administrator on the form provided by the City and shall include, at a minimum, the same information required for a Floodplain Development Permit, and an explanation of the basis for the request for a variance.~~

~~(2) Variance requests will be heard by the Planning Commission and be processed in the manner of a Class C application, using the Class C procedural requirements in Chapter 10, Article II of~~

~~the Municipal Code. City will use the same referral agency notification list as is used for Exceptions (Section 10.146).~~

~~(3) Upon consideration of the approval criteria in SubSection B, below, and the purposes of this Section, and finding that the approval criteria can be met, the City approving authority may approve the request and attach such conditions to the granting of a variance as it deems necessary to further the purposes of these regulations.~~

~~(4) The Floodplain Administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.~~

~~*B. Variance Approval Criteria.*~~

~~(1) A variance shall not be issued within a Floodway if any increase in flood levels during the Base Flood discharge would result.~~

~~(2) A variance shall only be issued upon the:~~

~~a. Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;~~

~~b. Showing of good and sufficient cause;~~

~~c. Determination that failure to grant a variance from these regulations would result in exceptional hardship to the applicant; and,~~

~~d. Determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, or extraordinary public expense; or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~(3) In approving a variance, the City approving authority shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Code, and the:~~

~~a. Danger that materials may be swept onto other lands to the injury of others;~~

~~b. Danger to life and property due to flooding or erosion damage;~~

~~c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~d. Importance of the services provided by the proposed facility to the community;~~

~~e. Necessity to the facility of a waterfront location, where applicable;~~

~~f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~

~~g. Compatibility of the proposed use with existing and anticipated development;~~

~~h. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;~~

~~i. Safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~j. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, expected at the site; and,~~

~~k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~(4) A variance may be issued for a water dependent use provided that:~~

- a. the criteria of subsections (1) through (3) of this Section are met; and,
- b. the structure or other development is protected by methods that minimize flood damages during the Base Flood and that create no additional threats to public safety.

~~C. Variance Decision.~~

~~The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval or denial. If the variance is granted, the property owner shall be put on notice, along with the written decision, that the permitted building will have its lowest floor below the Base Flood Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.~~

Section 46. Section 9.800 of the Medford Municipal Code shall be repealed as follows:

~~STORMWATER EROSION CONTROL~~

~~9.800 Stormwater Erosion Control.~~

~~A. Purpose.~~

~~As required by the City's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit, the City does hereby proclaim an ordinance to address Stormwater Erosion Control.~~

~~B. Applicability.~~

~~A City of Medford erosion control permit is required for all construction projects that meet criteria established by the Oregon Department of Environmental Quality (DEQ) for a NPDES 1200C permit.~~

~~C. Standards.~~

~~Erosion control plans that meet criteria established by DEQ for the 1200C permit shall be submitted for review at the same time as plans for building permits.~~

~~The City of Medford Erosion Control Permit will be issued concurrently with the first building permit or grading permit for the project.~~

~~Erosion control measures as shown on the approved plans shall be in place prior to any earthwork being performed, and shall be maintained for the duration of the project as required by the DEQ Erosion and Sediment Control Manual.~~

Section 47. Section 9.810 of the Medford Municipal Code is added to read as follows:

TANKS

9.810 Tanks.

Tanks located outside of a building or structure that contain hazardous materials as defined by the current adopted Oregon Structural Specialty Code and in proximity to buildings and

and its addition, acting together as a single structure, shall be shown to meet the requirements of Chapter 16 of the current adopted Oregon Structural Specialty Code and referenced standards. Any existing lateral load-carrying structural element whose demand-capacity ratio, with the addition considered, is not more than 10% greater than its demand-capacity ratio with the addition ignored, shall be permitted to remain unaltered.

Existing support structures and equipment that are relocated to another area of the regulated building shall be regulated as a new tower or support structure in accordance with the current adopted Oregon Structural Specialty Code.

Section 49. Section 9.830 of the Medford Municipal Code is added to read as follows:

FLAG POLES

9.830 Flag Poles.

Flag poles extending to a height of more than 30' above the supporting grade shall be designed in accordance with the current adopted Oregon Structural Specialty Code.

Flag poles attached to or supported by a regulated building or structure shall be designed for attachments to the building in accordance with the current adopted structural specialty code. The building, whether new or existing, shall be analyzed and designed to accommodate all imposed loads in accordance with the applicable current adopted specialty codes.

This ordinance does not preclude the requirements of other departments such as Planning.

Section 50. Section 9.840 of the Medford Municipal Code is added to read as follows:

SIGNS

9.840 Signs.

Signs not located in a right-of-way shall be regulated in accordance with this ordinance.

Free standing signs not exceeding 20' in height above the supporting grade shall not be regulated unless the failure of the proposed sign structure could impose a threat to a regulated building or building ingress or egress path.

Signs attached to or supported by a building or structure regulated by the current adopted Oregon Structural Specialty code shall be regulated to ensure that support of and attachment to the building is in accordance with the current adopted Oregon Structural Specialty Code.

This ordinance does not preclude the requirements of other departments such as Planning and ODOT.

PASSED by the Council and signed by me in authentication of its passage this ____ day of December, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

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9.100 Adoption of Oregon Structural Specialty Code, as Modified.

(1) The ~~2017~~ 2019 Oregon Structural Specialty Code and State and local adopted appendices as published and copyrighted by the International Code Council, as modified and adopted by the Director of the State Department of Consumer and Business Services ~~and the Oregon State Fire Marshal~~, are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments contained herein, such code to be referred to as the Building Code. At least one copy of the Oregon Structural Specialty Code and appendices, comprising the Building Code, are on file in the City of Medford Building Safety Department.

~~(2) Section 112.1. The Building Safety Director of the City of Medford is hereby authorized to order and cause the utilities to be terminated and disconnected which serve a building in violation of the Building Code, or of any other code administered and enforced pursuant to Chapter 9 of the Medford Code. If the Director must invoke this provision, he shall provide written notice to the owner of record at least two weeks prior to ordering such discontinuance unless an imminent life hazard exists in which event the Director shall order such discontinuance immediately.~~

(3) Section 114.5 of the Building Code is modified by adding the following:

"Penalties. Penalties for violations of the Building Code or any other code administered and enforced pursuant to Chapter 9 of the Medford Code shall be as prescribed in Section 9.661 of the Medford Code."

~~(4) Section 3408.1 of the Building Code is modified by adding the following:~~

~~"A Change of Occupancy Inspection permit shall be required prior to inspection and issuance of a certificate of occupancy."~~

~~(453) In addition to the appendix chapters listed in Section 101.2.12.1 of the State Building Code, Appendix B: Board of Appeals; F: Rodentproofing"; H: Signs; and J: Grading areis adopted as published.~~

~~(4) Chapter 32: Encroachments into the Public Right-of-Way is hereby adopted as published.~~

~~(62) Table 1-A, including footnotes, is deleted. See Medford Code Section 9.270, Table 9-A and 9-B, for fees.~~

~~(6) Adoption of seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but that may be less than the standards for new buildings as allowed by ORS 455.020.~~

[Amd. Ord. No. 2002-216, Dec. 5, 2002; Amd. Sec. 1, Ord. No. 2007-97, May 17, 2007; Amd. Sec. 1, Ord. No. 2008-159, Aug. 7, 2008; Amd. Sec. 1, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 1, Ord. No. 2014-147, Dec. 4, 2014; Amd. Sec. 1, Ord. No. 2018-08, Jan. 18, 2018.]

RESIDENTIAL SPECIALTY CODE

9.101 Adoption of Oregon Residential Specialty Code, as Modified.

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(1) The 2014 Oregon Residential Specialty Code and State adopted appendices as published and copyrighted by the International Code Council, Inc., as modified and adopted by the Director of the State Department of Consumer and Business Services are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments contained herein, such code to be referred to as the Residential Code. At least one copy of said code is on file in the City of Medford Building Safety Department.

(2) Residential Permit Fees shall be as shown in Medford Code Section 9.270, Table ~~9-A, 9-B, 9-C, 9-E, 9-F, 9-H, 9-J, 9-K.~~

(3) Section 114.5 of the Building Code is modified by adding the following:
“Penalties. Penalties for violations of the Building Code or any other code administered and enforced pursuant to Chapter 9 of the Medford Code shall be as prescribed in Section 9.661 of the Medford Code.”

[Added, Sec. 2, Ord. No. 2007-97, May 17, 2007; Amd. Sec. 1, Ord. No. 2008-244, Dec. 4, 2008; Amd. Sec. 2, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 2, Ord. No. 2014-147, Dec. 4, 2014.]

ENERGY EFFICIENCY SPECIALTY CODE

9.110 Adoption of ~~Oregon Zero Energy Ready Efficiency Specialty Commercial~~ Code, as Modified.

~~The 2014 Oregon Energy Efficiency Specialty~~The 2019 Zero Energy Ready Commercial Code as published and copyrighted by the International Code Council, as modified by the Director of the State Department of Consumer and Business Services ~~and the Oregon State Fire Marshal~~ are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced, such code to be referred to as the Energy Code. At least one copy of said Code is on file in the City of Medford Building Safety Department.

[Added, Sec. 3, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 3, Ord. No. 2014-147, Dec. 4, 2014.]

SOLAR INSTALLATION SPECIALTY CODE

9.120 Adoption of ~~Oregon Solar Installation Specialty~~ Code, as Modified.

~~The 2010 Oregon Solar Installation Specialty Code and appendices as authorized by ORS 455.020 and published and copyrighted by the Department of Consumer and Business Services are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Solar Code. At least one copy of said Code is on file in the City of Medford Building Safety Department.~~

[Added, Sec. 4, Ord. No. 2011-63, Apr. 7, 2011.]

MECHANICAL CODE

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9.150 Adoption of Oregon Mechanical Specialty Code, as Modified.

(1) The ~~2014~~2019 Oregon Mechanical Specialty Code, and appendices as published and copyrighted by the International Code Council, as modified by the Director of the State Department of Consumer and Business Services ~~and the Oregon State Fire Marshal~~, are hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Mechanical Code. At least one copy of said Code is on file in the City of Medford Building Safety Department.

(2) ~~The fees in table 1-A of the Mechanical Code are deleted.~~ See Medford Code Section 9.270, Tables 9-C, 9-D, and 9-E, for fees.

[Amd. Ord. No. 2002-217, Dec. 5, 2002; Amd. Ord. No. 2004-18, Feb. 5, 2004; Amd. Sec. 3, Ord. No. 2007-97, May 17, 2007; Amd. Sec. 2, Ord. No. 2008-244, Dec. 4, 2008; Amd. Sec. 5, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 4, Ord. No. 2014-147, Dec. 4, 2014.]

PLUMBING CODE

9.200 Adoption of Oregon Plumbing Specialty Code, as Modified.

(1) The 2017 Oregon Plumbing Specialty Code and State adopted appendices as published and copyrighted by ~~the International Association of Plumbing and Mechanical Officials~~Uniform Plumbing Code, and as modified by the Director of the State Department of Business and Consumer Services is hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Plumbing Code. At least one copy of said code is on file in the City of Medford Building Safety Department.

(2) Wherever used in the regulations herein above incorporated, the term "~~Administrative Authority~~Building Official" shall refer to the Building Safety Director of the City of Medford or his designee.

(3) Plumbing permit fees shall be as shown in Medford Code Section 9.270, Table 9-F, 9-G, 9-H, and ~~9-G~~.

[Amd. Ord. No. 2002-218, Dec. 5, 2002; Amd. Sec. 4, Ord. No. 2007-97, May 17, 2007; Amd. Sec. 3, Ord. No. 2008-244, Dec. 4, 2008; Amd. Sec. 6, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 5, Ord. No. 2014-147, Dec. 4, 2014; Amd. Sec. 2, Ord. No. 2018-08, Jan. 18, 2018.]

ELECTRICAL CODE

9.250 Adoption of State of Oregon Electrical Specialty Code, as Modified.

(1) The 2017 Oregon Electrical Specialty Code as published by the National Fire Protection Association and as modified by the Director of the State Department of Business and Consumer Services is hereby adopted and incorporated as an ordinance of the City of Medford to be

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administered and enforced along with such further amendments as are contained herein, said code to be referred to as the Electrical Code. At least one copy of such code is on file in the City of Medford Building Safety Department.

(2) Wherever used in the regulations herein incorporated, the terms "Administrator" or "department" shall refer to the Building Safety Director of the City of Medford or his authorized designee.

(3) The Building Safety Director is authorized to disconnect any electrical installation or equipment which has been connected in violation of this code or before approval for service has been given, or to give notice to the person in control of the premises, requiring such person to so disconnect it; and it shall be unlawful for any person in control of the premises thereafter to permit such installation to remain connected to a source of electrical energy after such notice has been given. Where the Building Safety Director or his designee has given such notice, or has disconnected any such service for the reasons above set forth, he shall thereupon attach to the premises a notice which shall state that the wiring or apparatus has been disconnected by the City of Medford for lack of compliance with this code.

~~(4) In addition to any other authority and power granted to the Building Safety Director by state law, the Building Safety Director or his designee may enforce the provisions of the electrical specialty codes against any person, regardless of whether a permit, certificate, license or other indicia of authority has been issued. The Building Safety Director or his designee may investigate, take statements, order corrective action and issue stop work orders on all or any work under the electrical specialty codes. It shall be unlawful for any person in control of the premises to fail to comply with any order issued by the Building Safety Director or his designee.~~

[Amd. Sec. 1, Ord. No. 7858, April 20, 1995; Amd. Sec. 1, Ord. No. 2002-219, Dec. 5, 2002; Amd. Sec. 5, Ord. No. 2007-97, May 17, 2007; Amd. Sec. 4, Ord. No. 2008-244, Dec. 4, 2008; Amd. Sec. 7, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 6, Ord. No. 2014-147, Dec. 4, 2014; Amd. Sec. 3, Ord. No. 2018-08, Jan. 18, 2018.]

9.251 Electrical Permit.

(1) Duly issued Electrical Permits shall expire after 180 days of inactivity on the work for which the electrical permit is issued. A new permit ~~will~~may be required in the event that the work is to commence after the permit has expired.

(2) Any person who knowingly does any electrical work for which a permit is required without first having obtained such a permit shall be charged an investigative fee that is the average or actual additional cost of ensuring that a building or structure is in conformance with this code and shall be in addition to the required permit fees. a fee equal to double the original fee to be charged for the permit, but t This shall not be the exclusive remedy for any such violation.

(3) Except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

(4) Electrical Permit Fees shall be as shown in Medford Code Section 9.270, Tables 9-B and 9-J. [Amd. Sec. 2, 7858, April 20, 1995; Amd. Sec. 2, Ord. No. 2002-219, Dec. 5, 2002; Amd. Sec. 5, Ord. No. 2008-244, Dec. 4, 2008; Amd. Sec. 8, Ord. No. 2011-63, Apr. 7, 2011.]

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9.252 [Repealed Ord. No. 8447, Aug. 7, 1997.]

~~9.253 Plan Review Requirements.~~

~~Electrical plan review is required for installations as set forth in Oregon Administrative Rules 918-311-0000 through 918-311-0060 as of March 12, 1999, which are adopted and incorporated by this reference.~~

~~[Added, Sec. 3, Ord. No. 7848, April 20, 1995; Amd. Sec. 3, Ord. No. 2002-219, Dec. 5, 2002.]~~

9.254 **Electrical Minor Labels.**

Minor labels are authorized for minor installations as set forth in Oregon Administrative Rules 918-309-02910 through 918-309-0260 as of March 12, 1999, which are adopted and incorporated by this reference.

[Added, Sec. 4, Ord. No. 7858, April 20, 1995; Amd. Sec. 4, Ord. No. 2002-219, Dec. 5, 2002.]

9.255 **Temporary Permits.**

Temporary permit requirements and procedures as set forth in Oregon Administrative Rule 918-309-0080 as of March 12, 1999, are adopted and incorporated by this reference.

[Added, Sec. 5, Ord. No. 7858, April 20, 1995; Amd. Sec. 5, Ord. No. 2002-219, Dec. 5, 2002.]

PERMIT FEES

9.270 **Permit Fees.**

(1) Building permit fees for new construction additions, alterations and repairs shall be calculated using the construction valuation and Table 9-A.

(2) The final determination of valuation, occupancy and/or construction type under any of the provisions of this Section shall be made by the Building Safety Director.

(3) Valuation of construction shall be determined by the greater of either the value stated by the applicant or one of the following methods:

(3.1) Calculated by using the "Building Valuation Data" table published by the International Code Council twice each year, multiplied by the square footage of the structure.

(3.2) 1 & 2 Family Dwelling carports, decks, covered porches, covered patios, and garage conversions to habitable space shall be 50% of the valuation for "R-3 Residential" on the referenced Building Valuation Data table.

(3.3) Alterations and repairs, use 20% of the valuation on the referenced Building Valuation Data table.

(4) Permit Fee Tables.

**TABLE 9-A
BUILDING PERMIT FEES**

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Commercial, institutional and residential, new construction, additions, alterations, demolition or repairs. The fees on this table are based on valuation as determined by Section 9.270(3).

TOTAL VALUATION	PERMIT FEE
\$1.00 to \$5,000	\$60 minimum
\$5,001 to \$25,000	\$60 for the first \$5,000, plus \$7.80 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$200 for the first \$25,000, plus \$5.85 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$340 for the first \$50,000, plus \$3.84 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and up	\$532 for the first \$100,000, plus \$3.25 for each additional \$1,000 or fraction thereof

**TABLE 9-B
OTHER BUILDING PERMIT-RELATED FEES**

1. Inspections outside of normal business hours.	\$60 per hour (minimum charge 2 hours)
2. Reinspection fees assessed under the provisions of Section 109.	\$60 per hour (minimum charge 2 hours)
3. Inspections for which no fee is specifically indicated.	\$60 per hour (minimum charge 2 hours)
4. Plan Review	65% of Building Permit fee based on Table 9-A
5. Fire Life Safety Plan Review (when required)	40% of Building Permit fee based on Table 9-A. Add to Plan Review fee.
6. Additional plan review required by changes, additions, or revisions to approved plans	\$60 per hour (minimum charge ½ hour)
7. Plan Review for Master Plan	First structure, standard plan review fee. Subsequent <i>identical</i>

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	plans, fee is 50% of the original plan review fee.
8. Work started without permits	See Section 9.270(5)
9. Change of Occupancy Inspection	\$200
10. 100-year floodplain application under Section 9.701. Review letters of map revision or amendment.	\$75 (1 & 2 Family Residential only) \$150 (all others)
11. Scan documents for E-Plans submittal	\$5 per sheet, minimum charge \$20
12. Phased Permits	Phased Permits: Each phase of a phased development project shall be assessed a permit and plan review fee as set forth in Table 9-A, based on the stated value plus a \$100 registration fee. The final total construction valuation of all phases shall not be less than the total valuation as determined by Section 9.270(3).
13. Shell Buildings and Tenant Spaces	The construction value of a shell building is based on 80% of the total value determined by Section 9.270(3). The permit fee for tenant improvements are based 20% of total project valuation determined by Section 9.270(3).
14. Foundation only permits. (Not available for 1 & 2 Family Dwellings)	Building Permit fee based on 10% of total project valuation, determined by Section 9.270, with a \$100 minimum and a \$2,000 maximum. Fee is non-deductible.
15. Temporary Certificate of Occupancy Inspection	\$50 for each specialty code for which an inspection is needed. Temporary Certificate of Occupancy must be renewed every 30 days
16. Solar Installation permit and plan review. (prescriptive)	\$150 (includes electrical & plumbing)
17. Solar installation permit and plan review (non-prescriptive)	Calculated per Table 9-A and 9-B item #4 (Does <u>not</u> include electrical & plumbing; see Tables 9-F, 9-G, and 9-I)
18. Appeal to Unified Board of Appeals per Medford Municipal Code Section 9.662	\$150 Refundable by board action or if appeal is withdrawn no later than 48 hours before hearing

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**TABLE 9-C
RESIDENTIAL MECHANICAL PERMIT FEES**

For 1 & 2 Family dwelling installation, replacement or relocation of non-portable mechanical equipment or mechanical work.

TYPE OF PERMIT	FEE
Furnace burner, including duct work, vent and liner	\$40 per appliance
Floor Furnace and Vent	\$20 per appliance
Space Heater and Vent	\$20 per appliance
Appliance Vent (Separate)	\$10 per appliance
Extend HVAC and Ducts	\$20
Air Conditioner/Heat Pump (including ductless)	\$20 per appliance
Separate Air Handler	\$25 per appliance
Stationary Evaporative Cooler	\$15 per appliance
Vent Fan (Single Duct)	\$10 per appliance
Vent (Apart from Heating/Cooling)	\$15 per appliance
Exhaust Hood with Duct	\$15 per appliance
Gas Piping	\$10
Unclassified Equipment	\$15 per appliance
Wood Burning Stove, Fireplace, Or Fireplace Insert	\$15 per appliance
Zero Clearance. Gas Logs	\$15 per appliance
Fire Dampers	\$15 each
Minimum Permit Fee	\$60

**TABLE 9-D
COMMERCIAL MECHANICAL PERMIT FEES**

For multi-family dwelling, commercial, industrial or institutional installation, replacement or relocation of non-portable mechanical equipment or mechanical work. Valuation includes the dollar value of all mechanical materials, equipment, labor overhead and profit.

VALUATION	MECHANICAL PERMIT FEE
\$1 to \$1,000	\$60 minimum
\$1,000 to \$10,000	\$60 for the first \$1,000 plus \$15 for each additional \$1,000 or fraction thereof, to and including \$10,000
\$10,001 to \$100,000	\$195 for the first \$10,000 plus \$10 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 and above	\$1,095 for the first \$100,000 plus \$7 for each additional \$1,000 or fraction thereof, over \$100,000

**TABLE 9-E
OTHER MECHANICAL PERMIT-RELATED FEES**

These fees are applicable to both Table 9-C and 9-D except where noted.

1. Inspections outside of normal business hours	\$60 per hour (minimum charge 2 hours)
2. Reinspection fees	\$60 per hour (minimum charge 2 hours)
3. Inspections for which no fee is specifically indicated	\$60 per hour (minimum charge 2 hours)
4. Plan review fee	25% of Mechanical Permit fee (where required by Mechanical Code Section 106.5.4)
5. Additional plan review required by changes, additions, or revisions to approved plans	\$60 per hour (minimum charge ½ hour)

**TABLE 9-F
RESIDENTIAL PLUMBING PERMIT FEES**

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One and Two Family dwellings only.

1 Bathroom/1 Kitchen (includes first 100 feet of water/sewer lines, hose bibs, ice maker, underfloor low-point drains and rain-drain packages)	\$289
2 Bathrooms/1 Kitchen	\$334
3 Bathrooms/ 1 Kitchen	\$379
Each Additional Bathroom (over 3)	\$45
Each Additional Kitchen (over 1)	\$60
Residential Fire Suppression System - (Fee Based on Square Footage of the Structure)	0 to 2,000 sq. ft. - \$105 2,001 to 3,600 sq. ft. - \$140 3,601 to 7,200 sq. ft. - \$175 7,200 sq. ft. and greater - \$210
FIXTURE	PERMIT FEE
Disposal	\$15
Sink	\$15
Lavatory	\$15
Tub & Shower	\$15
Shower (separate)	\$15
Water Closet/Bidet/Urinal	\$15
Sewer – 1st 100 Feet	\$28
Sewer – Each Add. 100 Feet	\$20
Storm Drain – 1st 100 Feet	\$15
Storm Drain – Each Add. 100 Feet	\$15

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Hose Bib	\$15
Septic Tank Abandonment	\$15
Refrigerator Water Supply	\$15
Hydronic Heating	\$40
Dishwasher	\$15
Drinking Fountain	\$15
Washing Machine	\$15
Water Heater	\$40
Floor Drains	\$15
Water – 1st 100 Feet	\$28
Water – Each Add. 100 Feet	\$20
Swimming Pool/Spa	\$40
Catch Basin	\$15
Sump Pump	\$15
Special Waste Connection	\$40
Gas/Vent	\$15
Replace Polybutylene Pipe	\$40

Notwithstanding any other provision of this Section, the minimum inspection fee is \$60.

TABLE 9-G
COMMERCIAL PLUMBING PERMIT FEES
Commercial, Industrial and Dwellings other than one- and two- family dwellings.

FIXTURE	PERMIT FEE
Swimming Pool/Spa/Hot Tub	\$40

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Back Flow Device/Lawns	\$40
Special Waste Connection	\$40
Replace Polybutylene Pipe	\$40
Hydronic Heating	\$40
Sewer – 1st 100 Feet	\$40
Sewer – Each Add. 100 Feet	\$22
Storm Rain Drain – 1st 100 feet	\$40
Storm Drain – Each Add. 100 Feet	\$22
Water – 1st 100 Feet	\$40
Water – Each Add. 100 Feet	\$22
Plumbing – 1 to 3 Fixtures	\$60
Plumbing – 4 to 10 Fixtures	\$140
Plumbing – 11 Plus Fixtures	\$140 base fee plus \$15 for every fixture over ten
Plan Review	25% of the Plumbing Permit Fee

Notwithstanding any other provision of this Section, the minimum inspection fee is \$60.

Fixture Description:

For the purposes of this Section, “fixtures” includes but are not limited to the following:
 Testable backflow prevention devices (other than atmospheric vacuum breakers), Area Drain, Bathubs, Bidets, Catch Basin, Clothes Washers, Dental Units or Cuspidors, Drinking Fountains, Floor Drains, Hose Bibbs or Sill Cocks, Interceptors, Laundry Tubs, Receptors, Showers, Sinks, Trough Drains, Urinals, Water Closets, Water Heaters.

**TABLE 9-H
 RAINWATER HARVESTING SYSTEM PERMIT FEES OR
 GRAY WATER REUSE SYSTEM PERMIT FEES**

VALUE OF WORK	PERMIT FEE
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\$1.00 to \$500	\$60
\$501.00 to \$2,000	\$60 for the first \$500, plus \$5 for each additional \$100 or fraction thereof
\$2,001 to \$25,000	\$135 for the first \$2,000.00, plus \$19 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000	\$572 for the first \$25,000, plus \$15 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000	\$905 for the first \$50,000, plus \$9 for each additional \$1,000 or fraction thereof
\$100,001 and up	\$1,397 for the first \$100,000, plus \$8 for each additional \$1,000 or fraction thereof
Reinspection fees	\$60 per hour (minimum charge 2 hours)
Inspections for which no fee is specifically indicated	\$60 per hour (minimum charge 2 hours)
Plan Review	25% of the Permit Fee

**TABLE 9-1
MEDICAL GAS SYSTEM PERMIT FEES**

VALUE OF WORK	PERMIT FEE
\$1.00 to \$500	\$60
\$501 to \$2,000	\$60 for the first \$500, plus \$5 for each additional \$100 or fraction thereof
\$2,001 to \$25,000	\$135 for the first \$2,000, plus \$18 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000	\$550 for the first \$25,000, plus \$14 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000	\$900 for the first \$50,000, plus \$9 for each additional \$1,000 or fraction thereof
\$100,001.00 and up	\$1,350 for the first \$100,000, plus \$8 for each

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	additional \$1,000 or fraction thereof
Reinspection fees	\$60 per hour (minimum charge 2 hours)
Inspections for which no fee is specifically indicated	\$60 per hour (minimum charge 2 hours)
Plumbing Plan Review	25% of the Plumbing Permit Fee

**TABLE 9-J
ELECTRICAL PERMIT FEES**

For all residential (per dwelling unit), commercial, industrial and institutional buildings.

SERVICES INCLUDED:	COST	NUMBER OF INSPECTIONS PER PERMIT ALLOWED
1,000 sq. ft. or less	\$125	4
Each additional 500 sq. ft. or portion thereof	\$22	
Limited Energy:		
1 & 2 Family Residential	\$28	2
Multifamily Residential	\$52	2
Service or Feeders:		
Installation, Alterations or Relocation		
200 amps or less	\$72	2
201 amps to 400 amps	\$85	2
401 amps to 600 amps	\$150	2
601 amps to 1000 amps	\$200	2
over 1000 amps or volts	\$450	2
Reconnect only	\$60	2
Temporary Service or Feeders:		
Installation, Alterations or Relocation		
200 amps or less	\$60	2
201 amps to 400 amps	\$80	2
401 amps to 600 amps	\$120	2

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Over 600 amps or volts	\$450	2
Branch Circuits:		
New, Alterations or Extension Per Panel		
(a) The fee for branch circuits (with purchase of service or feeder)		
Each branch circuit	\$3.50	2
(b) The fee for branch circuit (without purchase of service or feeder fee)		
First branch circuit	\$52	2
Each additional branch circuit	\$3.50	2
Miscellaneous (Service or Feeder not included)		
Each pump or irrigation circuit	\$60	2
Each sign or outline lighting	\$60	2
Signal circuit(s) or a limited energy panel, alteration or extension	\$60	2
Inspections outside normal business hours.	\$60 per hour (minimum charge 2 hours)	
Each additional inspection over the allowable in any of the above, per inspection	\$60	2
Inspections for which no fee is specifically indicated	\$60 per hour (minimum charge 2 hours)	
Work started without permit	See Section 9.270(5)	
Renewable Energy System:		
5 KVA or less	\$100	2
5.01 KVA to 15 KVA	\$100	2
15.01 KVA to 25 KVA	\$200	2
25.01 KVA and above	\$200 + 2.50 per KVA	
Plan Review	25% of total Permit Fees	

**TABLE 9-K
MANUFACTURED DWELLING PERMIT FEES**

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For new or relocated manufactured homes and cabana.

Manufactured Dwelling Placement: (Includes review of the plot plan, installation inspection and final inspection, electrical feeder, water/sewer connection. This permit fee does not include retaining walls over four feet high or basement construction under a manufactured dwelling.)	\$303 per installation
Earthquake-Resistant Bracing System Installation (when not part of the original manufactured dwelling installation)	\$110 per installation
Reinspection Fee	\$60
Inspections for which no fee is specifically indicated	\$60 per hour (minimum of one hour)
All other structures not specified above.	See Table 9-A for permit fee.

(5) Work started without permits is subject to an investigation fee for each permit type for which work was started. The investigation fee shall be equal to the permit fee, but shall not be less than \$200, nor more than \$1,000.

[Added, Sec. 9, Ord. No. 2011-63, Apr. 7, 2011; Amd. Ord. No. 2014-23, Feb. 6, 2014.]

AFFORDABLE HOUSING CONSTRUCTION EXCISE TAX

9.280 Purpose.

The purpose of this section is to establish a construction excise tax of one-third of one percent on the value of residential, commercial, and industrial improvements to provide funding for affordable housing in the City.

[Added Sec. 1, Ord. No. 2018-15, Feb. 15, 2018.]

9.281 Definitions.

For purposes of Affordable Housing Construction Excise section, the terms defined below shall mean the following:

“Area Median Income” (AMI) means median family or household income by household size for Jackson County as defined by the United States Department of Housing and Urban Development as adjusted and published periodically.

“Affordable Housing” means a household’s ability to find housing within their financial means. Household is divided into three categories: 1) Low-income households (households earning less than sixty (60) percent of Area Median Income), 2) Moderate-income households (households earning between sixty (60) and eighty (80) percent of Area Median Income), and 3) Middle-income households (households earning between eighty (80) and one hundred and twenty (120) percent of Area Median Income).

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“**Commercial**” means any structure designed or intended to be used, or actually used, for occupancy for purposes other than residential and includes structures otherwise categorized or described as industrial.

“**Construct**” or “**Construction**” means erecting, constructing, building, assembling, enlarging, altering, repairing, improving, or converting any building or structure for which the issuance of a building permit is required pursuant to the provisions of Oregon law.

“**Improvement**” means a permanent addition to, or modification of, real property resulting in a new structure, additional square footage in an existing structure, or alteration of an existing structure that adds living space.

“**Living Space**” means any floor usable for living purposes, which includes but is not limited to working, sleeping, eating, cooking, recreating, or a combination thereof.

“**Net Revenue**” means revenues remaining after the administrative fees are deducted from the total construction excise tax collected and payment of any refunds of such taxes.

“**Residential**” means any structure designed or intended to be used, or actually used, for occupancy for residential purposes including any residential structure, dwelling, or dwelling unit.

“**Value of improvement**” means the total value of the improvement as determined by the construction permit(s) or building permit(s), regardless of number of separate permits issued. The City Building Official shall calculate the total value in accordance with Oregon Administrative Rule 918-050-0100 Statewide Methodologies for Residential and Commercial Permits.

[Added Sec. 2, Ord. No. 2018-15, Feb. 15, 2018]

9.282 Administration and Enforcement Authority.

The City Manager or authorized designee is responsible for the administration of the Affordable Housing Construction Excise Tax as described in this Section.

[Added Sec. 3, Ord. No. 2018-15, Feb. 15, 2018]

9.283 Imposition of Tax.

A. Each person who obtains a permit to construct a residential, commercial, or industrial improvement in the City shall pay a construction excise tax in the amount of one-third of one percent of the value of the improvement.

B. The construction tax imposed on structures intended for commercial or industrial use may not exceed \$50,000 per building permit or \$50,000 per structure, whichever is less.

C. The construction excise tax shall be due and paid at the time of issuance of a building permit.

[Added Sec. 4, Ord. No. 2018-15, Feb. 15, 2018]

9.284 Exemptions.

A. The construction excise tax shall not be imposed on the following types of improvements:

1. Any improvement funded by Affordable Housing Construction Excise Tax proceeds, or other dedicated affordable housing funding through the City’s Community Development Block Grant program.
2. Private school improvements.

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3. Public improvements as defined in ORS 279A.010.
4. Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
5. Public or private hospital improvements.
6. Improvements to religious facilities primarily used for worship or education associated with worship.
7. Agricultural buildings, as defined in ORS 455.315 (2)(a).
8. Long term care facilities, as defined in ORS 442.015, operated by a not-for-profit corporation.
9. Residential care facilities, as defined in ORS 443.40, operated by a not-for-profit corporation.
10. Continuing care retirement communities, as defined in ORS 101.020, operated by a not-for-profit corporation.
11. Residential housing guaranteed to be affordable up to 120 percent of Area Median Income for a period of at least 30 years following the date of construction of the housing. A person using this exemption and also awarded funds under Section 9.292(C)(1) would receive an amount less the exempted portion.

B. The City may require any person seeking an exemption to demonstrate the improvements are eligible for an exemption and to establish all facts necessary to support granting of the exemption. [Added Sec. 5, Ord. No. 2018-15, Feb. 15, 2018]

9.285 Statement of the Full Value of Improvement.

It is a violation of this section for any person to fail to state, or to understate, the full value of the improvements to be constructed.

[Added Sec. 6, Ord. No. 2018-15, Feb. 15, 2018]

9.286 Failure to Pay.

The City shall not issue a building permit for construction of improvements to any person who has failed to pay the applicable construction excise tax.

[Added Sec. 7, Ord. No. 2018-15, Feb. 15, 2018]

9.287 Failure to Maintain Units as Affordable.

A. The exemption for affordable unit(s) provided in Sections 9.284(A)(4) and (A)(11) automatically terminates if the unit(s) cease to qualify as affordable at any time during the specified period of affordability. For purposes of this section, affordability shall be calculated using the Area Median Income determination for the preceding calendar year.

B. The tax shall be immediately due and payable to the City as of the date the unit no longer qualifies as affordable, together with the penalty described in Section 9.288. The amount of the

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construction excise tax shall be calculated using the percentage in effect at the time the unit(s) ceases to qualify.

C. The person responsible to pay shall be the owner of record of the unit(s) at the time the unit(s) ceases to qualify. The seller and buyer, jointly and separately, shall be obligated to pay if the unit(s) ceases to qualify as the result of a sale; including a sale to a person occupying the unit whose income exceeds the Area Median Income determination for the prior year.

[Added Sec. 8, Ord. No. 2018-15, Feb. 15, 2018]

9.288 Penalty for Failure to Comply.

A. A penalty of five percent of the underpayment of construction excise tax shall apply to:

1. Any person who removes a unit from the affordability exemption provided in Section 9.284(A)(4) and (A)(11). The person shall pay a five percent penalty for each unit that is no longer exempt.
2. Any person who fails to state the full value of the improvement.

B. The penalty shall be due on the entire amount that the City Manager or authorized designee determines has not been paid. The penalty shall be assessed to the 25th day of the month following the due date.

[Added Sec. 9, Ord. No. 2018-15, Feb. 15, 2018]

9.289 Enforcement by Civil Action.

The construction excise tax, and any assessed penalties due and owing under this Section, constitutes a debt owing to the City by the person liable for the tax as set forth in Section 9.283.

[Added Sec. 10, Ord. No. 2018-15, Feb. 15, 2018]

9.290 Refunds.

A. The City shall issue a refund to any person who has paid a construction excise tax if:

1. The person establishes the tax was paid for improvements that were otherwise eligible for an exemption under Section 9.284 at the time the permit was issued;
2. The person establishes that construction of the improvement was not commenced and the associated building permit has been cancelled by the City; or
3. The City Manager or authorized designee determines the amount of construction excise tax, penalty, or interest was erroneously collected or paid to the City.

[Added Sec. 11, Ord. No. 2018-15, Feb. 15, 2018]

9.291 Appeals.

A person who objects to a determination issued by the City applying the provisions of this section may appeal the determination to the City Council as provided in Section 1.025.

[Added Sec. 12, Ord. No. 2018-15, Feb. 15, 2018]

9.292 Dedication of Revenue.

A. The City may retain up to four percent of the tax collected as an administrative fee in order to

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recover costs for administering the program.

B. The net revenue from the tax on residential improvements shall be allocated by the City as follows:

1. Fifteen percent of net revenue shall be remitted to the Oregon Department of Housing and Community Services to fund home ownership programs.
2. Thirty-five percent of net revenue shall be used to fund programs and incentives of the City related to affordable housing as defined by the City for purposes of this section and ORS 320.192. Affordable Housing for purposes of this section shall apply to households at or below eighty (80) percent AMI (Low-income and Moderate-income households).
3. Fifty percent of net revenue shall be used to fund incentives for the development and construction of affordable housing authorized by the City as provided for in state law.

C. The net revenue from the tax on commercial improvements shall be allocated by the City as follows:

1. One hundred percent shall be used to fund programs and incentives for the development and construction of housing that is affordable to households up to 120 percent of Area Median Income.

[Added Sec. 13, Ord. No. 2018-15, Feb. 15, 2018]

9.293 Review of Program.

The City shall review the Affordable Housing Construction Excise Tax program every five (5) years to evaluate its impact on housing. The Planning Department shall provide a report to the Council outlining the number of units created, revenue collected, and the types of projects created by the recipients of the funds.

[Added Sec. 14, Ord. No. 2018-15, Feb. 15, 2018]

9.294 Effective Date.

Sections 9.280 through 9.295 shall be effective upon acknowledgement of the City of Medford's current proposed Urban Growth Boundary amendment by the Department of Land Conservation and Development, the Land Conservation and Development Commission, or any government entity having jurisdiction over the City of Medford's current proposed Urban Growth Boundary amendment, without condition, restriction, amendment or modification of any kind.

[Added Sec. 15, Ord. No. 2018-15, Feb. 15, 2018]

9.295 Expiration.

The Affordable Housing Construction Excise Tax shall expire on December 31, 2028, unless renewed by the City Council.

[Added Sec. 16, Ord. No. 2018-15, Feb. 15, 2018]

MANUFACTURED DWELLING CODE

9.300 Adoption of Oregon Manufactured Dwelling Installation Specialty Code, as Modified.

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(1) The Oregon Manufactured Dwelling Installation Specialty Code, 2010 eEdition, as modified and adopted by the Director of the State Department of Consumer and Business Services, is hereby adopted and incorporated as an ordinance of the City of Medford to be administered and enforced along with such further amendments as are contained herein, such code to be referred to as the Manufactured Dwelling Code. At least one copy of said code is on file in the City of Medford Building Safety Department.

(2) Wherever used in the regulations herein incorporated, the terms "administrator" or "department" shall refer to the Building Safety Director of the City of Medford or his authorized designee.

3) ~~See Table 9-K Manufactured dwelling placement permit fees shall be as follows:~~

Manufactured Dwelling Placement:	
(includes placement, electrical feeder, water/sewer connection)	\$303.00
Reinspection Fee	\$50.00
Inspections for which no fee is specifically indicated	
(minimum of one hour)	\$50.00 per hour

~~[Amd. Ord. No. 2002-220, Dec. 5, 2002; Amd. Sec. 6, Ord. No. 2008-244, Dec. 4, 2008; Amd. Sec. 10, Ord. No. 2011-63, Apr. 7, 2011.]~~

4) Refer to Medford Municipal Code 10.885, 10.896, 10.900; current adopted editions of the Oregon Structural Specialty Code; Zero Energy Ready Commercial Code; Oregon Mechanical Specialty Code; Oregon Residential Specialty Code; Oregon Electrical Specialty Code; Oregon Plumbing Specialty Code; Oregon Manufactured Dwelling Installation Specialty Code; and Oregon Manufactured Dwelling and Park Specialty Code

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9.350 [Repealed, Sec. 1, Ord No. 2016-56, Dec. 1, 2016.]

RECEIVERSHIP

9.400 **Title, Purpose, and Scope; Findings.**

This ordinance shall be known and may be cited as the "Housing Receivership Ordinance of the City of Medford." The purpose of the ordinance is to establish authority and procedures for the use of the Oregon Housing Receivership Act (ORS 105.420 to 105.455), and shall apply to all residential property. The remedies provided for in this ordinance shall be in addition to any other remedy set out in the Code.

In addition to the Oregon Legislature's findings set out at ORS 105.420, the Council specifically finds that properties in violation of the Act create an undue risk of harm to the City's public safety officers and firefighters responding to calls at these properties, as well as neighboring citizens. The Council declares that the health, safety and welfare of citizens, public safety officers and firefighters are promoted by adopting and implementing the Housing Receivership Ordinance of the City of Medford.

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[Repealed, Sec. 2, Ord. No. 2016-56, Dec. 1, 2016; Added, Sec. 1, 2016-142, Dec. 1, 2016.]

9.405 Definitions.

- (1) "Abatement" means the removal or correction of any condition at a property including demolition that violates a provision of a City building or housing code, as well as the making of other such improvements or corrections as are needed to effect the rehabilitation of the property or structure, but not including the closing or physical securing of the structure.
 - (2) "Building or housing code" means any City law, ordinance or regulation concerning habitability or the construction, maintenance, operation, occupancy, use or appearance of any property.
 - (3) "Interested party" means any person or entity that possesses any legal or equitable interest of record in the property, including but not limited to the holder of any lien or encumbrance of record on the property.
 - (4) "Property" means any real property and all improvements thereon including edifices, structures, buildings, unit or part thereof used or intended to be used for residential purposes including single-family, duplex, multifamily, and mixed-use structures which have one or more residential units.
- [Added Sec. 2, Ord. No. 2016-142, Dec. 1, 2016.]

9.410 Authority.

- (1) Subject to Council approval, when the Manager finds that a property is in violation of a building or housing code, and in the exercise of reasonable discretion believes that violation is a threat to the public's health, safety, or welfare, the Manager may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement.
- (2) In administering the provisions of this ordinance, the Manager's authority shall include, but is not limited to:
 - (a) The selection of properties, subject to Council approval;
 - (b) The selection of appropriate receivers, subject to Council approval; and
 - (c) The establishment of written rules and procedures as are deemed necessary for the administration of this ordinance.

[Added Sec. 3, Ord. No. 2016-142, Dec. 1, 2016.]

9.415 Selection of Properties.

In selecting properties where the City may seek appointment of a receiver, the Manager shall consider those properties that have, at a minimum, the following characteristics:

- (1) A violation of a building or housing code that threatens the public health, safety, or welfare; and
- (2) The owner has not acted in a timely manner to correct the violations.

[Added Sec. 4, Ord. No. 2016-142, Dec. 1, 2016; Amd. Sec. 1, Ord. No. 2017-19, March 2, 2017.]

9.420 Notice to Interested Parties and Application.

- (1) At least 60 days prior to the filing of an application for appointment of a receiver, the Manager shall cause a notice to be sent by certified mail to all interested parties.

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(2) The notice shall give the date upon which the City has the right to file with the court for the receiver, and in addition shall:

- (a) State the address and legal description of the property;
- (b) List the building or housing code violations which give rise to the proposed application; and
- (c) Give the name, address, and telephone number of a person who can provide additional information concerning the violations and their remedy.

[Added Sec. 5, Ord. No. 2016-142, Dec. 1, 2016.]

9.425 Selection of Receivers.

In selecting specific receivers, the Manager shall choose the Jackson County Housing Authority, a City agency or department designated by the City as being responsible for the rehabilitation of property, an urban renewal agency, or a private not-for-profit corporation, the primary purpose of which is the improvement of housing conditions within the City. In making the selection, the Manager shall consider, at a minimum, the following:

- (1) The receiver's experience in rehabilitating and managing this type of property; and
- (2) The receiver's capacity to take on additional property management responsibilities.

[Added Sec. 6, Ord. No. 2016-142, Dec. 1, 2016.]

9.430 Powers of a Receiver.

A receiver appointed by the court shall have the authority to take any of the actions provided for in ORS 105.435.

[Added Sec. 7, Ord. No. 2016-142, Dec. 1, 2016.]

9.435 Plan and Estimate.

Within 30 days after appointment by the court, a receiver shall submit to the Manager a written plan

for the abatement. The Manager shall approve the plan before the receiver commences work on the abatement.

[Added Sec. 8, Ord. No. 2016-142, Dec. 1, 2016.]

9.440 Record Keeping.

The receiver shall keep a record of all moneys received and expended and all costs and obligations incurred in performing the abatement and managing the property. Records shall be kept in a form as shall be agreed upon by the receiver and the Manager, and copies shall be provided to the Manager upon request.

[Added Sec. 9, Ord. No. 2016-142, Dec. 1, 2016.]

9.445 Purchasing.

Excepting Medford Code section 2.507, all abatement work done pursuant to this ordinance is exempt from the provisions of the City's contracting and purchasing code.

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[Added Sec. 10, Ord. No. 2016-142, Dec. 1, 2016.]

9.450 Lien Enforcement; City Agency or Department as Receiver; Foreclosure.

In accordance with ORS 105.440(2), if the costs and obligations incurred due to the abatement have not been paid, the order of the court shall be filed with the county recorder within 60 days of its filing with the court and shall thereafter constitute a lien on the property. In addition, unpaid liens shall be entered into the docket of City liens, and shall bear interest at the rate specified in section 3.470(2) of the Medford Code. Thereafter, the City may cause the property to be sold as provided for by ORS 223.505 to 223.590, or any other method provided by law.

[Added Sec. 11, Ord. No. 2016-142, Dec. 1, 2016.]

FLOOD DAMAGE PREVENTION

9.450 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.452 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.454 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.456 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

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9.462 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.464 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.466 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.468 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.470 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.472 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.474 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.476 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

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9.478 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.480 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.482 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.484 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.486 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.487 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.488 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

9.490 [Repealed, Sec. 2, Ord. No. 2008-159, Aug. 7, 2008.]

GENERAL

Demolition

9.500 Definitions and Scope.

Terms used in Sections 9.501 to 9.504, unless the context otherwise clearly requires, shall be defined as provided in the ~~Uniform Building Code~~ Oregon Structural Specialty Code. The building code at present requires a permit to demolish any building or structure within the City of Medford, and a permit fee is prescribed for the issuance of such a permit. Sections 9.501 to 9.504 further prescribe the demolition requirements and administrative procedures to be followed. The requirements of Sections 9.501 to 9.504 shall apply to the voluntary demolition of structures and to demolition which is required by or under any other code of the City of Medford.

9.501 Permit Required; Fee.

No person shall demolish a structure, or permit one to be demolished on property under his control, unless a demolition permit for such demolition has been issued by the Building Safety Director, nor shall any person cause or permit such demolition contrary to the terms of the permit or to the terms of Sections 9.501 to 9.504. The fee for the demolition permit is as prescribed in ~~the building code~~ Medford Municipal Code 9.270.

9.502 Application for Permit.

Application for a demolition permit shall be made to the Building Safety Director. The application shall include the name and address of the applicant, the location of the structure to be demolished, the names of the owners of the premises, the places and manner of disposing of materials and debris

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from the demolition, and any other information that the Building Safety Director finds necessary in order to carry out the requirements of Sections 9.501 to 9.504.

9.503 Clean-up and Disposition of Debris; Time Limit.

A demolition permit shall include the following requirements: that the structure be wholly reduced and site restored to natural grade leaving no voids, projecting elements, or hazardous conditions; that all debris shall be disposed of in a place and manner which complies with Section 9.504 and which creates no nuisance or hazard or other condition prohibited by ordinance or other law; that any sewer lines must be sealed off 5' from the property line, and any septic tank shall be ~~pumped dry, filled with sand or similar material, and its inlet and outlet plugged with concrete and other openings sealed; and that, once demolition or any part thereof is commenced, all of the foregoing duties thus imposed must be completed within 60 days after issuing the permit, unless at the time of issuance the Building Safety Director specifies in the permit a longer period of compliance. The Building Safety Director may specify a longer period if he finds that the unusual size, location, terrain, or complexity of construction renders the 60 day time limit unreasonable. If a longer time is specified in the permit, the Director shall indicate the basis for such allowance. After the expiration of the specified time limit, every day or part thereof during which the permittee's duties remain unperformed shall constitute a separate offense. decommissioned pursuant to and approved by DEQ. A DEQ certificate of compliance is required as a condition of final.~~

9.504 Other Requirements.

~~Disposition of the debris shall be in a location and manner approved upon review by the Building Safety Director and Fire Marshal, who shall base their approval upon the prevention of nuisance, hazard, or other condition prohibited by law. Considerations shall include but not be limited to proximity of disposal site to other buildings, fill sites, or facilities; ecological acceptability of the site; and fire hazard incurred because of the nature of the material deposited.~~

Private Swimming Pools

9.510 Public Policy.

It is determined and declared that the maintenance of private swimming pools, fish ponds, and other artificial bodies of water without adequate safety and precautionary measures constitutes a severe hazard to the safety of the inhabitants of the city, particularly children.

9.511 Control of Artificial Bodies of Water.

Note: Commercial pools: Reference Oregon Administrative Rules, Chapter 333, Division 60 concerning public swimming pools as promulgated by the Department of Human Services under the authority established in Oregon Revised Statute 448.

(1) Every person in possession of land within the city, either as owner, purchaser under contract, lessee, tenant, or licensee, on which there is situated an excavated or portable swimming pool, fish

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pond or other artificial body of water which contains water 18 inches or more in depth at any point shall erect and maintain on the lot or premises upon which the pool or body of water is located an adequate fence or wall sufficient to make the pool or body of water inaccessible to small children.

(2) The fence or wall, including gates therein, shall be solid wall, picket, vertical board, or of chain link type construction and shall completely surround such pool or body of water. The fence height shall be not less than four feet above the underlying ground with openings, holes, or gaps therein no larger than four inches in any dimension except for doors or gates; provided, further, that a dwelling house or accessory building may be used as part of such enclosure.

(3) All gates or doors opening through the enclosure, except the door of any dwelling occupied by human beings and forming any part of the enclosure required above, shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping the door or gate securely closed at all times when not in actual use. The self-latching device shall be placed not less than three feet above the underlying ground or otherwise made inaccessible from the outside by small children.

(4) If the exterior walls of a portable or raised swimming pool are vertical and extend at least 36 inches above the grade of the abutting ground at all points, no further fencing shall be required except such as will be necessary to enclose the ladder, steps, or other such access to the pool.

(5) Approved covers or alternate means of protection may be authorized by the Building Safety Director if they can be shown to provide protection equivalent to that described in this Section.

[Amd. Sec. 7, Ord. No. 2014-147, Dec. 4, 2014.]

Temporary Structures

9.520 Conditions for Temporary Structures. Refer to the current adopted Oregon Residential Specialty Code or Oregon Structural Specialty Code, whichever is applicable.

~~Structures not fully complying with the provisions of the Building Code may be temporarily constructed and occupied on property if:~~

~~(1) The structures are at least 30 feet from an adjacent building or structure.~~

~~(2) The structure is safe for use or occupancy for the purposes intended and the wiring and plumbing, if any, conform to the requirements of the appropriate code.~~

~~(3) The structure does not remain on the property for more than 90 days. One 90-day extension may be granted for cause by the Building Safety Director.~~

~~(4) SubSections (1) and (3) of this Section shall not apply to buildings not exceeding 30 square feet in area which are constructed and occupied for guard stations, telephone booths, ticket booths, and parking lot attendant booths.~~

Moving of Buildings

9.530 Permit for Moving Building.

No person shall move a building on the streets or alleys of the city without first obtaining a permit from the Building Safety Director or his authorized designee.

~~9.531 Bond Required.~~

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~~Before permission is granted under Section 9.530 the Building Safety Director shall require the person to furnish a bond with one or more sureties to the effect that they will indemnify the city for repairs to the streets and alleys or other property of the city, or damage and expense to any person occupying the streets or alleys by virtue of a franchise or otherwise, which results from transportation of a building on the streets or alleys of the city.~~

9.532 ~~Payment to City in Case of Damage or Harm.~~

~~(1) If, as a result of transporting the building, the streets, alleys or other property of the city are damaged or if damage or costs result to a person occupying the streets or alleys by virtue of a franchise or otherwise, there shall be paid to the city by the person who transported the building a sum equal to the damage incurred. The amount received shall be placed in the proper fund of the city and the city shall pay the person damaged by the transportation of the building.~~

~~(2) If there is a failure of payment under subsection (1) of this Section by the person transporting the building, then the city may proceed to collect the amount of damages upon the bond furnished under the provisions of Section 9.531, in the manner provided by law.~~

9.533 Permit Requirements for Moved Buildings.

(1) No person shall move any building to a lot or store any building on a lot in any zoning district within the city, other than an industrial zoning district, unless the owner of the building first obtains all necessary permits and pays all required fees to move the building, construct a foundation and place the building on a foundation on that lot. ~~Necessary permits and fees shall include but not be limited to moving permit, zone change, site plan and architectural commission review, system development charges, foundation permit, sewer and water connection permits, specialty code permits and fees and any other permits necessary for construction, addition, remodel or change of occupancy.~~

(2) Every building moved onto a lot shall be installed on a foundation within 30 days of the date of the move specified on the building permit.

~~(3) Any owner of a building not on a foundation and existing on a lot as of the date of the passage of these provisions shall apply for and obtain the required permits specified in subsection (1) above and place the building on a foundation within 90 days of the adoption of these provisions.~~

~~(4) Notwithstanding the provisions of subsections (1) through (3) above, any person or entity who is exempt from taxation under Section 501 of the Internal Revenue Code of the United States and produces an IRS determination letter of proof thereof may store a building on any residential lot for 90 days. Upon written request to the Building Safety Department dated prior to the expiration of this initial 90 day period, a person may request an additional 90 day period to place a building on a foundation. Unless the 90 day extension would result in the creation or continuation of a public nuisance, the Building Safety Director shall grant the additional 90 day extension.~~

[Added, Ord. No. 1999-168, Oct. 28, 1999.]

Public Right-of-Way Occupancy

9.540 [Repealed, Sec. 3, Ord. No. 2009-120, June 4, 2009.]

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Parking Lot Specifications

9.550 Parking Lot Specifications.

(1) Drainage. All parking lots shall be designed and constructed so that no surface run-off will drain across a sidewalk, bike path, driveway or walkway. Surface run-off is permitted to drain into an adjacent alley, if the alley has an existing storm drain system capable of handling the additional run-off. All run-offs shall be approved by the City Engineer.

(2) Base Material. Decomposed granite or 1" 0 crushed rock of a gradation approved by the city shall be used as base material. The base shall be compacted to a minimum of 95% of optimum density and shall exhibit a uniform grade in appearance. Unstable subgrade (soft spots) shall be removed and replaced with sub-base shale. Parking lot base material minimum thickness requirements are 4 inches of crushed rock or 6 inches of decomposed granite for asphalt surfaces and 2 inches of granite for concrete surfaces.

(3) Asphalt Surface. Asphalt surface lots shall be a 2 inch minimum thickness of Class "B" asphalt. All bituminous and concrete surfaces in contact with the asphalt shall be sprayed with tack coat prior to asphalt placement.

Asphalt shall be a temperature of between 250 and 300 degrees F at the time it is placed. It shall be placed on dry prepared surfaces and when the air temperature in the shade is 35 degrees F or warmer. Placing during rain or other adverse weather conditions will not be permitted, except that material in transit at the time adverse conditions may occur may be placed provided it is of proper temperature, has been covered during transit, and is placed on a foundation free from pools or flow of water.

The asphalt shall be rolled immediately after the asphalt has been placed using a steel wheeled or pneumatic tired roller capable of transmitting sufficient force necessary to compact the material to 90% of optimum density. The finished surface shall be true to grade, free of irregularities and roller wheel marks.

(4) Concrete Surface. Concrete surface parking lots shall be a 6 inch minimum thickness of 3000 1-1/2 Portland Cement concrete. No concrete shall be placed when the ambient temperature is below 35 degrees F. Concrete subject to freezing temperatures during curing shall be adequately protected. The concrete shall be compacted using screens or tampers. The surface shall be finished as specified, with a uniform surface free from laitance, soupy mortar, marks or irregularities. Joints will be placed as specified on plans. When no specification is made, joints shall conform to Section 212.3.07 of the Standard Specifications for Public Works Construction, Oregon Chapter APWA. Immediately upon final surface finishing, the entire exposed surface of the newly laid concrete shall be covered and cured using a membrane forming compound, impervious sheeting, or saturated mats for at least 72 hours. Alternates to the above specifications may be approved by the City Engineer who shall inform the Building Safety Director of his approval.

(5) Permits.

(a) Building permits for the construction of parking lots are required. Permit fees shall be based on the total project valuation and Table 3-A of the Building Code.

(b) Any electrical work shall require a permit and be installed in accordance with the

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~~Electrical Code.~~

~~(c) Any catch basins or piping shall require a permit and be installed in accordance with the~~

~~Plumbing Code.~~

Hazardous Fences and Walls

9.560 **Hazardous Fences and Walls.**

Pursuant to and in conformance with Medford Code Section 10.731-10.733, the following shall be prohibited:

- (1) Electric fencing, except as regulated by Section 9.561;
- (2) Barbed wire, except at a level of 6 feet or more from the ground;
- (3) Broken glass, barbs or similar hazardous material imbedded in the fence or wall.

All new commercial fences exceeding 76 feet in height; 8 feet in height for residential chainlink fencing; and 7 feet for other fencing types, including replacing existing fences, require a building permit with the fee based on the valuation and Medford Code Section 9.270, Table 9-A.

[Amd. Sec. 11, Ord. No. 2011-63, Apr. 7, 2011; Amd. Sec. 1, Ord. No. 2015-88, Sept. 3, 2015.]

9.561 **Electric Fences.**

It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section. The construction and use of electric fences shall be allowed in the city only as provided in this section, and section 10.731 through 10.735, subject to the following standards:

- (1) Electric fences shall only be permitted around outdoor storage areas, including vehicle storage areas in the following zones: C-H, I-L, I-G, and I-H, or where needed to control livestock.
- (2) Electric fences shall only be installed under a permit issued by the Building Safety Department, and if an alarm is included, shall also have a Burglar Alarm permit issued under Medford Municipal Code 8.605 through 8.695.
- (3) The electric charge produced by the fence upon contact shall be non-lethal, and shall not exceed the energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard No. 60335-2-76, 2002 edition. All electrical components shall bear the label of a testing agency recognized by the State of Oregon Department of Consumer and Business Services, Building Codes Division.

- (3.1) The energizer for electric fences must be driven by a commercial storage battery not to exceed 12 volts DC. The storage battery may be charged either by a solar panel, or a commercial trickle charger, or a combination of both.

(4) No electric fence shall be installed or used unless it is separated from the abutting property or right-of-way by a non-electric fence or wall. When abutting a residential property, the non-electric fence or wall shall be of solid construction.

- (4.1) The non-electric fence shall be installed under the regulations and height limitations in Medford Municipal Code 10.731 through 10.735.

- (4.2) The non-electric fence shall be a height equal to, or greater than the highest level of electrification, but in no case less than 6 feet in height. Electric fences shall not

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exceed the height of the legally permitted non-electric surrounding fence. Electric fences shall not be located in the front yard setback.

- (4.3) A separation shall be maintained between the electric fence and a surrounding non-electric fence or wall, adequate to allow maintenance of landscaping, but no less than 12 inches, and no electric fence shall be installed within 24 inches of a property line.
- (4.4) When an electric fence is installed within a required buffer yard as defined in Medford Municipal Code 10.790, the non-electric fence shall be shall be constructed of a material and design that is sight-obstructing, and compatible with adjacent uses, per the standards of that section. The installation of the electric fence shall not interfere with or cause the removal of the required buffer yard plantings.

(5) Electric fences shall be clearly identified with warning signs in English and Spanish that read: "Warning-Electric Fence" or an equivalent, together with a pictorial warning, at intervals of not to exceed forty feet.

(6) Emergency Access. Fire department access shall be provided in accordance with the Fire Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Medford Fire Marshal.

(7) Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under Medford Municipal Code 5.530.

[Added, Sec. 2, Ord. No. 2015-88, Sept. 3, 2015.]

9.565 Wood Roof Covering Materials

~~The use of wood shake and wood shingle roof covering materials for new construction, re-roofing, and repairs are prohibited. This prohibition includes wood shake and wood shingle roof covering materials with fire retardant treatments of any kind. Roof covering shall not be applied over existing wood shake or wood shingle roof coverings.~~

~~*Exception: In any one year period, roof repairs of less than 25% of the total roof area on existing structures may be repaired with a minimum Class B fire-rated wood shake or wood shingle material treated by the full-cell vacuum-pressure.*~~

Street Addresses

~~9.570 Street Number Required on Premises.~~

~~The owner or tenant of every residence or place of business or other structure opening upon or having access to the streets of the city shall cause to be placed in a conspicuous place upon the main entrance or at the principal place of ingress to his premises a number, to be ascertained as provided in Sections 9.571 and 9.572.~~

~~9.571 Assignment of Numbers by Building Safety Director or His Designee.~~

~~(1) The Building Safety Director shall prepare a map or maps of the city and indicate thereon the~~

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numbers used to designate the premises, as provided in Section 9.570.

(2) In assigning the numbers, the Building Safety Director shall use Main Street and the main line of the Southern Pacific Railway as base lines for starting points for the numbering and shall allow 100

numbers to each block, and not less than one number to each 25 feet of street front.

(3) For east-west streets east of the base line, all numbers on the south side of said streets shall be even numbers, and all numbers on the north side of said streets shall be odd numbers.

For east-west streets west of the base line, all numbers on the south side of said streets shall be odd numbers, and all numbers on the north side of said streets shall be even numbers.

For north-south streets north of the base line, all numbers on the west side of said streets shall be odd numbers, and all numbers on the east side of said streets shall be even numbers.

For north-south streets south of the base line, all numbers on the west side of said streets shall be even numbers, and all numbers on the east side of said streets shall be odd numbers.

9.572 Installation of Numbers.

Each property owner or tenant, as provided in Section 9.570, shall ascertain from the Building Safety Director the number so assigned to his premises, and shall cause that number to be affixed thereto in figures not less than three inches high. The figures shall be so placed as to be easily legible from the adjoining sidewalk or street, or public space.

9.575 [Repealed, Sec. 2, Ord. No. 2010-33, Feb. 18, 2010.]

Seismic Design Requirements for Existing Buildings

9.600 General.

(1) Scope. The provisions of this chapter shall prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, when the occupancy load is 150 or greater, additions, alterations, or repairs. The requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter the building, or repair the building.

(2) Authority. Pursuant to ORS 455.202(4), the provisions of this chapter prescribing seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the *Oregon Structural Specialty Code*.

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 1, Ord. No. 2013-100, July 11, 2013; Amd. Sec. 1, Ord No. 2019-28, April 18, 2019.]

9.602 Seismic Related Definitions.

Addition (see Building Addition).

Alteration (see Building Alteration).

ASCE 41 means the latest edition, *Seismic Evaluation and Retrofit of Existing Buildings*, published by

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~~the American Society of Civil Engineers. Previously known as *Seismic Rehabilitation of Existing Buildings*, it now includes ASCE 31.~~

~~**Aspect Ratio of parapets and appendages** means the height of the component above the level of anchorage (h) divided by the depth of the component (d). For horizontal projecting appendages, the aspect ratio shall be defined as the horizontal projection beyond the vertical support of the building to the perpendicular dimension.~~

~~**ASTM** means the American Society for Testing of Materials.~~

~~**ATC-20** means the latest edition, *Post Earthquake Safety Evaluation of Buildings*, published by the Applied Technology Council.~~

~~**BSE-1** means the Basic Safety Earthquake-1, referenced in ASCE 41, which is taken as the lesser of the ground shaking for a 10%/50-year earthquake or two-thirds of the BSE-2 at a site.~~

~~**BSE-2** means the Basic Safety Earthquake-2, referenced in ASCE 41, which is taken as the ground shaking based on the MCE (Maximum Considered Earthquake) at a site.~~

~~**BSO** means the Basic Safety Objective, referenced in ASCE 41, which is the rehabilitation objective that achieves the dual rehabilitation goals of Life Safety Building Performance Level (3-C) for the~~

~~BSE-1 Earthquake Hazard Level and Collapse Prevention Building Performance Level (5-E) for the BSE-2 Earthquake Hazard Level.~~

~~**Building Addition** means an extension or increase in floor area or height of a building or structure.~~

~~**Building Alteration** means any construction or renovation to an existing structure other than repair or addition.~~

~~**Catastrophic Damage** means damage to a building from a catastrophic event that causes an unsafe structural condition.~~

~~**Catastrophic Event** means fire, flood, wind, earthquake, explosion, vehicle collision, or other calamity or act of God or the public enemy. For the purpose of this definition, unauthorized demolition or unauthorized construction, are considered catastrophic events.~~

~~**Change of Occupancy** means a change in the use of a building or portion of a building that would place the building or portion of the building in a different occupancy group or in a different division of the same occupancy group.~~

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CISCA means the Ceiling and Interior Systems Construction Association.

Collapse Prevention Building Performance Level (5-E) means a level of damage to a building after a Base Seismic Event (BSE-1) referenced in ASCE 41, that is characterized by: Little residual strength and stiffness left in all stories. Gravity load-bearing elements remain functional. Some exits may be blocked. Infills and unbraced parapets have failed or failure is incipient. Building is near collapse.

Director means the Building Safety Director of the City of Medford or his designee.

Essential Facility has the same meaning as defined in the OSSC.

FEMA means the Federal Emergency Management Agency.

FEMA 154 means a standard, rapid visual screening procedure to identify, inventory, and rank buildings that are potentially seismically hazardous, utilizing the handbook *Rapid Visual Screening of Buildings for Potential Seismic Hazards*, published by FEMA.

Historic Building means a building that is listed on the State or National Register of Historic Places, or one that is located in a registered Historic District as identified in Chapter 10 of the Medford Code.

IEBC means the latest edition of the *International Existing Building Code*, as published by the International Code Council.

Life Safety Structural Performance Level (3-C) means a level of damage to a building after a Base Seismic Event (BSE-1), referenced in ASCE 41, that is characterized by: Some residual strength and stiffness left in all stories. Gravity load-bearing elements remain functional. No out of plane failure of walls or tipping of parapets. Some permanent drift. Some damage to partitions. Falling hazards are mitigated but many architectural, mechanical, and electrical systems are damaged. Building may be beyond economical repair.

Masonry means adobe, burned clay brick, unburned clay brick, concrete brick, sand-lime brick, hollow clay block, concrete block, hollow clay tile, and stone.

Maximum Considered Earthquake (MCE) means an extreme earthquake hazard level referenced in ASCE 41, and defined by MCE maps (available from FEMA) which are based on a combination of mean 2%/50-year probabilistic spectra and 150% of median deterministic spectra at a given site.

MURA means the Medford Urban Renewal Agency.

Net floor area means the area of a building measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.

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Occupant Load means the number of building occupants as determined by the OSSC.

OSSC means the latest edition of the *Oregon Structural Specialty Code* as adopted by Section 9.100.

Reinforced Masonry means masonry walls having both vertical and horizontal reinforcement as follows:

1. Vertical reinforcement of at least 0.20 in² in cross Section at each masonry wall corner or end, at each side of every opening, and at a maximum spacing of 4 feet throughout. One or two story buildings may have vertical reinforcing spaced at greater than 4 feet throughout provided that a rational engineering analysis is submitted which shows that existing reinforcing and spacing provides adequate resistance to all required design forces without net tension occurring in the wall.
2. Horizontal reinforcement of at least 0.20 in² in cross Section at the top of the wall, at the top and bottom of wall openings, at structurally connected roof and floor openings, and at a maximum spacing of 10 feet throughout.
3. The sum of the areas of horizontal and vertical reinforcement shall be at least 0.0005 times the gross cross sectional area of the element.
4. The minimum area of reinforcement in either direction shall not be less than 0.000175 times the gross cross sectional area of the element.

Repair means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

Roof covering repair or replacement, as used in this Section, shall mean the installation of a new roof covering over 50% or more of the roof area. Reroofing shall comply with the OSSC.

Soft Story Building means a building that has a first story lateral force resisting system that has less than 70% of the stiffness of the lateral force resisting system of the adjacent story.

Tilt Up Concrete Building means a concrete building comprised of concrete wall panels cast in a horizontal position and lifted or tilted into their vertical position.

Unreinforced Masonry (URM) means masonry that does not satisfy the definition of reinforced masonry as defined herein. Plain unreinforced concrete shall not be considered unreinforced masonry for the purpose of this chapter.

Unreinforced Masonry Building means a building that has at least one bearing wall (interior or exterior) that is unreinforced masonry.

Unsafe Condition means (but is not limited to) when any portion, member or appurtenance of a

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building has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or when any portion of a building or structure has been damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the

damaging event.

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 2, Ord. No. 2013-100, July 11, 2013.]

9.610 Seismic Improvement Design Standards.

(1) General. The seismic improvement design standard shall be as follows:

- 1.1 For changes of occupancy, see Section 9.620.
- 1.2 For building additions, see Section 9.625.
- 1.3 For structural systems damaged by catastrophic events, see Section 9.630.
- 1.4 For building alterations, see Section 9.635.
- 1.5 For voluntary seismic improvements of existing buildings, see the seismic improvement standards on Table 9.620A.

(2) Alternate Standard. Where ASCE 41 is the specified seismic improvement standard, IEBEC Appendix A may be used upon approval of the Director.

(3) Objective. Where ASCE 41 is the specified seismic improvement standard, the minimum rehabilitation objective is BSO (Basic Safety Objective). Rehabilitation of these structures to a higher standard is encouraged but not mandated.

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 3, Ord. No. 2013-100, July 11, 2013.]

9.615 Existing Use.

For the purpose of this chapter, the existing use or occupancy of a building or property, or portion thereof, shall be its most recent previous legal use regardless of any period of time in which it may have remained unoccupied. The director shall make a determination of previous legal use upon examination of the evidence. Existing occupancies shall conform to all applicable requirements of this chapter, chapter 34 of the OSSC, and the Oregon Fire Code.

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 4, Ord. No. 2013-100, July 11, 2013.]

9.620 Change of Occupancy.

(1) Relative Hazard. The following table shall be used to classify the relative hazard of all building occupancies:

TABLE 9.620-A

<i>Relative Hazard Classification</i>	<i>OSSC Occupancy Classification</i>	<i>Seismic Improvement Standard</i>
5 (Highest)	A, E, I 2, I 3, H 1, H 2, H 3, H 4, H 5, police and fire stations	OSSC ₁
4	R 1, R 2, SR, I 1, I 4	OSSC ₁
3	B, M	ASCE 41 ₂
2	F 1, F 2, S 1, S 2	ASCE 41 ₂

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1 (Lowest)	R-3, U	ASCE 41-2
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Footnotes

1. OSSC Chapter 16.

2. ASCE 41 Basic Safety Objective.

(2) ~~Occupancy Change to the Same or Lower Relative Hazard Occupancy.~~ An occupancy change to the same or a lower relative hazard classification number will not require seismic improvements, unless the change results in an occupant load of 150 persons or more, or if the triggers in Section 9.635 are met.

(3) ~~Occupancy Change to a Higher Relative Hazard Occupancy.~~ An occupancy change to a higher relative hazard classification number (relative hazard number 2, 3, 4, or 5), with an occupant load over 150, will require seismic improvements in accordance with Table 9.620-A, to the entire structure.

~~3.1. When the area of the change of occupancy occupies less than 10% of the net floor area of the story in which it is located, and the occupant load of the area of change will not exceed 150, only the immediate area of the change of occupancy and the means of egress from the area of the change of occupancy will need seismic improvements.~~

(4) ~~Occupancy Change to an Essential Facility.~~ Notwithstanding the provisions of 9.635, all structures, which are being converted to essential facilities, will require seismic improvements to the entire structure, using the current edition of the Oregon Structural Specialty Code.

(5) ~~Occupancy Change to Live Work Space.~~ Any building occupancy classified as a relative hazard category 1, 2, or 3 may undergo a change of occupancy to a live work space provided that both of the following conditions are met:

~~5.1. The building shall be improved such that the entire building conforms to the ASCE 41 improvement standard, and~~

~~5.2. The building shall meet the fire and life safety standards of the current OSSC and the Oregon Fire Code.~~

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 5, Ord. No. 2013-100, July 11, 2013; Amd. Secs. 2 & 3, Ord. No. 2019-28, April 18, 2019.]

9.625 Building Additions.

An addition that is structurally dependent on an existing building shall be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings as found in the OSSC, unless all three of the following conditions are met:

~~1.1. The addition shall comply with the requirements for new buildings, and;~~

~~1.2. The addition shall not increase the seismic forces in any existing structural element of the building by more than 5 percent unless the capacity of the element subject to the increased forces is equal to or greater than that required for new buildings, and;~~

~~1.3. The addition shall not decrease the seismic resistance of any existing structural element of the building unless the reduced seismic resistance of the element is equal to or greater than that required for new buildings.~~

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 6, Ord. No. 2013-100, July 11, 2013.]

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9.630 Structural Systems Damaged by Catastrophic Events.

(1) ~~Discovery and Repair.~~ After a catastrophic event, the Director may determine through either an ATC 20 procedure or through other subsequent discovery, that a structure or portion thereof is in an

~~unsafe condition. As a result of this determination, the Director may declare the structure or portion thereof to be a dangerous building and to be repaired, or abated by demolition and removal in accordance with subSection 9.400.~~

(2) ~~Building Structural Systems damaged less than or equal to 50 percent.~~ If a building is damaged by a catastrophic event, and the director determines that the area of the resulting structural damage is less than 50 percent of the building's net area, all damaged lateral load resisting components of the building's structural system must be designed and rebuilt to either the ASCE 41 improvement standard, or to the code under which the building was originally permitted, whichever is greater. Undamaged components need not be upgraded, unless required by other provisions of this Section or the provisions of the OSSC.

(3) ~~Building Structural Systems damaged more than 50 percent.~~ If a building is damaged by a catastrophic event, and the director determines that the area of the resulting structural damage is greater than 50 percent of the building's net area, all lateral load resisting components of the entire building's structural system must be designed and constructed to the provisions of the OSSC.

(4) ~~Compatibility.~~ All new lateral system elements must be compatible with any existing lateral and vertical system elements, including foundations. The engineer of record shall confirm that the new lateral system elements do not introduce seismic deficiencies where none previously existed, or make existing conditions more hazardous. These components must also be compatible with, and connected to the balance of the undamaged lateral load resisting system in conformance with the provisions of the OSSC.

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 7, Ord. No. 2013-100, July 11, 2013.]

9.635 Building Alterations and Repairs.

(1) ~~General.~~ Any structural alteration or repair to an existing building shall meet all three of the following conditions:

- ~~1.1.~~ The alteration shall comply with the requirements for new buildings, and;
- ~~1.2.~~ The alteration shall not increase the seismic forces in any existing structural element of the building by more than 5 percent unless the capacity of the element subject to the increased forces is equal to or greater than that required for new buildings, and;
- ~~1.3.~~ The alteration shall not decrease the seismic resistance of any existing structural element of the building unless the reduced seismic resistance of the element is equal to or greater than that required for new buildings.

(2) ~~Triggers.~~ When the cost of alteration or repair work which requires a building permit in a 2-year period exceeds the lesser of either \$100,000 total, or \$15 per square foot for the total net floor area in the building, a FEMA 154 seismic hazard screening is required. The screening must be completed and submitted to the Building Safety Department before a permit will be issued. A previously prepared seismic study may be submitted for consideration by the Department as equivalent to an FEMA 154

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~~seismic hazard screening.~~

- ~~2.1 The alteration or repair costs need not include costs for facade improvements funded through the Medford Urban Renewal Agency, site improvements (including landscaping), mandated or voluntary ADA improvements, mandated or voluntary seismic improvements, and mandated or voluntary fire suppression systems.~~
- ~~2.2 If, upon completion of the FEMA 154 seismic hazard screening, the building attains a score of 2 or less, then the entire building shall be improved seismically such that the entire building conforms to the improvement standard as specified in Table 9.620 A.~~
- ~~2.3. The following shall be exempted from this requirement:~~
 - ~~2.3.1. Buildings other than tilt-up concrete, constructed or structurally renovated under a permit issued under the State of Oregon Structural Specialty Code and Fire and Life Safety Code, 1976 Edition, or subsequent code, unless specific seismic hazards have been discovered by an analysis.~~
 - ~~2.3.2. Tilt-up concrete buildings constructed or structurally renovated under a permit issued under the State of Oregon 1998 Edition Structural Specialty Code, or subsequent code, unless specific seismic hazards have been discovered by an analysis.~~
 - ~~2.3.3. Detached one- and two-family dwellings and structures accessory thereto (R-3 or U occupancies) not more than 2 stories in height.~~

~~(3) Roof Covering. When a roof covering is repaired or replaced, as defined in 9.602, the building structural roof system, anchorage, parapets, and appendages shall be repaired or rehabilitated, such that, at a minimum, the wall anchorage for both in-plane and out-of-plane forces at the roof and parapet bracing conform to the ASCE 41 improvement standard. In-plane brick shear tests are not required as part of the ASCE evaluation under this subSection.~~

~~3.1 The following shall be exempted from this requirement:~~

- ~~3.1.1. Buildings (other than tilt-up concrete) constructed or structurally renovated under a permit issued under the State of Oregon Structural Specialty Code and Fire and Life Safety Code, 1976 Edition, unless specific seismic hazards have been discovered by an analysis.~~
- ~~3.1.2. Tilt-up concrete buildings constructed or structurally renovated under a permit issued under the State of Oregon, 1998 Edition, Structural Specialty Code, unless specific seismic hazards have been discovered by an analysis.~~
- ~~3.1.3. Detached One- and two-family dwellings and structures accessory thereto (R-3 or U occupancies).~~

~~(4) Parapets and Appendages. When seismic improvement is required by this or any Section of this chapter, the following parapets and appendages shall be rehabilitated:~~

- ~~4.1. Unreinforced masonry parapets with an aspect ratio greater than 1.5.~~
- ~~4.2. Reinforced masonry or reinforced concrete parapets with an aspect ratio greater than 3.0.~~
- ~~4.3. Cornices or ledges constructed of stone, terra-cotta, or brick, unless supported by a steel or reinforced concrete structure.~~

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~~4.4. Sculptures, finials, chimneys and ornamental features constructed of stone, terra cotta, masonry, or concrete with an aspect ratio greater than 1.5.~~

~~(5) Suspended Ceilings. When a suspended ceiling is altered in any way, including replacement of the panels, the grid system and light fixture supports in the altered area must be revised as needed to bring the system into compliance with the lateral bracing provisions of ASTM E-580 or CISCA Zone 3-4.~~

~~(6) Use of Impact Tools. Use of jack hammers, chipping guns, and rotary hammers are prohibited in URM buildings, including the concrete portions of these buildings.~~

~~(7) Tilt-Up Concrete Buildings. When a building having exterior walls of reinforced concrete tilt-up panels is being altered, the connections of the roof structure to the exterior walls shall be mitigated to resist and distribute the forces as defined in the OSSC, when one of the following conditions is met:~~

~~7.1 The building was constructed under a permit issued prior to the adoption of the State of Oregon, 1998 Edition, Structural Specialty Code.~~

~~7.2 Specific deficiencies are found after analysis or other discovery.~~

~~(8) Soft-Story Buildings. When a building having a soft story at the ground floor is being altered, the soft story shall be mitigated to resist the forces as defined in the OSSC, when both of the following two conditions are met:~~

~~8.1. The building has a Relative Hazard Classification of 4 or 5 per Table 9.620A, and;~~

~~8.2. The building was constructed under a permit issued prior to the adoption of the State of Oregon, 1998 Edition, Structural Specialty Code.~~

~~[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 8, Ord. No. 2013-100, July 11, 2013.]~~

9.637 Egress Through Adjacent Buildings.

~~When an existing building undergoing an addition, alteration, repair, or change of occupancy is required by this Section to be improved to resist seismic forces, and that building has one or more required paths of egress extending over, under or through an adjacent building, the adjacent building shall be improved to the same seismic improvement standard as the building undergoing the addition, alteration, repair or change of occupancy.~~

~~[Added, Sec. 9, Ord. No. 2013-100, July 11, 2013.]~~

~~9.640 [Repealed, Sec. 10, Ord. No. 2013-100, July 11, 2013.]~~

9.645 Phasing of Improvements.

~~(1) Approval. The Building Safety Director may approve a multi-year phased program of seismic improvements when the improvements are pre-designed and an improvement/implementation plan is approved by the Building Safety Director. The maximum total time allowed for completion of phased improvements shall be seven years, and the improvements must be phased at reasonable intervals over that seven-year period.~~

~~(2) Agreement. A legal agreement between the building owner and the City shall be formulated, outlining the phased seismic improvements and penalties for not meeting the phase date targets. The agreement shall be recorded with the property deed at the Jackson County Recorder's Office.~~

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~~[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 11, Ord. No. 2013-100, July 11, 2013.]~~

~~9.650 **Application of Other Requirements.**~~

~~(1) Exemptions. Building permit applications to improve the seismic capability of a building shall not trigger any of the following:~~

- ~~1.1 Accessibility improvements so long as the seismic improvement does not lessen accessibility;~~
- ~~1.2. Fire and life safety improvements so long as the seismic improvement does not lessen the building's fire resistance or exiting capability;~~
- ~~1.3. Landscape improvements required by the Land Development Code Chapter 10;~~
- ~~1.4. Street tree improvements required by the Land Development Code.~~

~~(2) Future Regulations. Conformance with these regulations may not exempt buildings from future seismic regulations.~~

~~(3) Historic Buildings. Seismic improvements to qualified historic buildings may be subject to review by the Landmarks Historic Preservation Commission if required by the Land Development Code, Chapter 10.~~

~~(4) Inspection. Inspection and special inspection of seismic improvements will be in accordance with the provisions of the OSSC.~~

~~[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 12, Ord. No. 2013-100, July 11, 2013.]~~

~~9.655 **Fees.**~~

~~Building permit, plan review and fire and life safety review fees for voluntary seismic improvements are waived when such fees total less than \$2,500, and reduced by 50% when such fees would total \$2,500 or more.~~

~~[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Amd. Sec. 13, Ord. No. 2013-100, July 11, 2013.]~~

Penalties and Appeal Rights

9.660 Violations; Penalties; Remedies.

(1) No person, firm, corporation or other entity however organized, shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the city, or cause the same to be done, contrary to or in violation of this chapter.

(2) Violation shall be subject to an administrative civil penalty not to exceed \$5,000 or, in the case of a continuing violation as defined in subsection (3) of this section, not more than \$1,000 for each day of the violation and shall be processed in accordance with the procedures set forth in this code.

(3) Each day that a violation of a provision of this chapter exists constitutes a separate violation.

(4) The penalties and remedies provided in this Section are not exclusive and are in addition to other penalties and remedies available to the City under the Code or other law.

[Added, Sec. 1, Ord. No. 2001-120, June 21, 2001; Replaced, Sec. 3, Ord. No. 2010-33, Feb. 18, 2010;

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Amd. Sec. 3, Ord. No. 2016-56, Dec. 1, 2016.]

9.661 Building Official; Authority to Impose Administrative Civil Penalty.

(1) Upon a determination by the building official that a person has violated a provision of this chapter or a rule adopted thereunder, the building official may impose upon the violator and/or any other responsible person an administrative civil penalty as provided by this Section. A "responsible person" includes the violator and /or the owner of a building or property.

(2) Prior to imposing an administrative civil penalty under this Section, the building official shall make a reasonable attempt to secure voluntary correction by issuing the responsible person a Notice of Civil Violation. Upon receiving a Notice of Civil Violation, a responsible person shall have not less than five (5) days to correct the violation, unless the building official determines that a shorter time period is required due to an immediate threat to health, safety, environment or public welfare.

(3) If a violation has not been remedied to the building official's satisfaction after the time allowed for correction has expired, the building official may impose an administrative civil penalty by issuing a Notice of Civil Penalty on each responsible person to whom a Notice of Civil Violation was issued.

(4) The Notice of Civil Penalty shall either be served by personal service or by certified mail, return receipt requested. A Notice of Civil Penalty shall include:

- (a) Reference to the specific code provision or rule involved;
- (b) A short and plain statement of the matter(s) asserted or charged;
- (c) The specific monetary penalty imposed, supported by the factors set out in subSection six (6) of this Section;
- (d) The date on which the Notice of Civil Violation was issued; or if the notice was not given pursuant to 9.661(5), a short and plain statement stating the basis for concluding the violation was knowing, intentional or repeated; and
- (e) A statement of the responsible person's right to appeal the civil penalty to the Unified Appeal Board ("the Board").

(5) Notwithstanding subsection two (2) of this Section, the building official may impose a civil penalty without issuing a Notice of Civil Violation where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.

(6) In imposing a monetary penalty authorized by this Section, the building official shall determine the following factors:

- (a) The responsible person's past attempts to remedy the violation;
- (b) The gravity of the violation; and
- (c) Any prior violations of this chapter.

[Added, Sec. 4, Ord. No. 2010-33, Feb. 18, 2010.]

9.662 Appeal.

(1) A person receiving a Notice of Civil Penalty may appeal to the Board. Written Notice of Appeal along with the appeal fee must be filed with the City Recorder within ten (10) business days of receipt of the Notice of Civil Penalty. An appeal not timely filed with an appeal fee shall not be considered, and the civil penalty imposed by the City shall become final.

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- (2) The Notice of Appeal shall state all of the following:
- (a) The name and address of the appellant;
 - (b) The specific code provision or rule being appealed;
 - (c) The reason the building official's determination is incorrect; and
 - (d) The appellant's desired outcome on appeal.
- (3) Unless the appellant and City mutually agree to a longer period, an appeal shall be heard by the Board within thirty (30) days after receipt of the Notice of Appeal. At least ten (10) business days prior to the hearing, the Director of Building Safety shall mail notice of the time and location of the hearing to the appellant.
- (4) The Board shall hear and determine the appeal on the basis of the appellant's testimony, written statements or other supporting evidence the Board deems appropriate. The appellant may either appear personally or through legal counsel. The rules of evidence shall not apply. The appeal shall be limited to the issues specified in the Notice of Appeal.
- (5) The City may present evidence either by testimony or the written report of the building official that issued either the Notice of Civil Violation or Penalty. The City Attorney may assist the building official at the hearing.
- (6) Upon review, the Board shall limit its review to determining whether there is substantial evidence to support the decision of the building official, or if errors in law were committed by the building official. Review shall in any event be limited to those issues set forth in the Notice of Appeal. The appellant is precluded from raising an issue on appeal to the Board if he or she could have raised the issue to the building official but failed to do so. The Board shall issue a written decision within ten (10) business days of the hearing date.
- [Added, Sec. 5, Ord. No. 2010-33, Feb. 18, 2010.]

FLOOD DAMAGE PREVENTION REGULATIONS AND FLOOD INSURANCE RATE MAPS
(The following Sections 9.701 through 9.707 shall be effective May 3, 2011)

9.701. Flood Damage Prevention — Purpose.

The purposes of Sections 9.701–9.707 are to:

- (1) ~~Protect human life, health and property;~~
- (2) ~~Minimize damage to public facilities and utilities, such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;~~
- (3) ~~Help maintain a stable tax base by providing for the sound use and development of flood-prone areas;~~
- (4) ~~Minimize expenditure of public money for costly flood control projects;~~
- (5) ~~Minimize the need for rescue, emergency services, and relief associated with flooding and generally undertaken at the expense of the general public;~~
- (6) ~~Minimize prolonged business interruptions, unnecessary disruption of commerce, access and public service during times of flood;~~
- (7) ~~Ensure that potential buyers are notified that property is in an Area of Special Flood Hazard;~~

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~~(8) Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions, and;~~

~~(9) Manage the alteration of Areas of Special Flood Hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions.~~

[Added, Sec. 1, Ord. No. 2011-64, Apr. 7, 2011.]

9.702. Flood Damage Prevention—Methods.

To accomplish its purposes, Sections 9.701–9.707 include methods and provisions to:

~~(1) Require development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, to be protected against flood damage at the time of initial construction;~~

~~(2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;~~

~~Control filling, grading, dredging and other development which may increase flood damage or erosion;~~

~~(3) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;~~

~~(4) Preserve and restore natural floodplains, stream channels, and natural protective barriers which carry and store floodwaters, and;~~

~~(5) Coordinate with and supplement provisions of State of Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.~~

[Added, Sec. 2, Ord. No. 2011-64, Apr. 7, 2011.]

9.703. Flood Damage Prevention—Definitions.

When used in Sections 9.701–9.707, the terms below shall have the meanings herein ascribed. Unless specifically defined below, words or phrases used in Sections 9.701–9.707 shall be interpreted according to the meaning they have in common usage.

Appeal. A request for review of the Floodplain Administrator's interpretation of provisions of Sections 9.701–9.707.

Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.

Certification, No Rise. A certification by a registered professional civil engineer that demonstrates, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that an encroachment will not result in any increase in flood levels affecting adjoining property during the occurrence of the Base Flood discharge.

Construction, New. A structure for which the "Start of Construction" commenced after May 3, 2011 and includes subsequent substantial improvements to the structure.

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Construction, Start of. This includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

Crawlspace, Below-Grade. An enclosed area below the Base Flood Elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four feet at any point.

Damage, Substantial. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of its market value before the damage occurred.

Datum. The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NAVD29). The vertical datum now used by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Development. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the Area of Special Flood.

Hazard. Work exempt from Oregon Residential Specialty Code, Section R105.2 requires a Floodplain Development Permit unless specifically exempted by definition in Sections 9.701–9.707. Development does not include signs, markers, aids, etc. placed by a public agency to serve the public.

Dwelling, Manufactured or Manufactured Home. A structure, transportable in one or more Sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Dwelling” does not include a “Recreational Vehicle.”

Elevation, Water Surface. The height, in relation to a specific datum, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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Encroachment. The advancement or infringement of uses, fill, excavation, buildings, permanent structures, stream habitat restoration, or other development into a Floodway, which may impede or alter the flow capacity of a floodplain.

Building, Elevated. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Facility, Critical. See “Facility, Essential”.

Facility, Essential or Critical:

- a. Hospitals and other medical facilities having surgery and emergency treatment areas;
- b. Fire and police stations;
- c. Tanks or other structures containing, housing or supporting water or fire suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
- d. Emergency vehicle shelters and garages;
- e. Structures and equipment in emergency preparedness centers;
- f. Standby power generating equipment for essential facilities; and,
- g. Structures and equipment in government communication centers and other facilities required for emergency response.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) The overflow of inland or tidal waters; or (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood, Base. The flood having a 1.0% chance of being equaled or exceeded in any given year.

Flood Elevation, Base (BFE). The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation is depicted on the Flood Insurance Rate Maps to the nearest foot and in the Flood Insurance Study to the nearest 0.1 foot. Same as “Design Flood Elevation”.

Flood Hazard, Area of Special. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year (the area in which a base flood occurs). Zones designating Areas of Special Flood Hazard on Flood Insurance Rate Maps always include the letters A or V. Also known as the Special Flood Hazard Area.

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the Areas of Special Flood Hazard and/or risk premium zones applicable to the community.

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Flood Insurance Rate Map, Digital (DFIRM). A map that depicts flood risk and zones, and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

Flood Insurance Study (FIS). The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, Regulatory Floodway boundaries and water surface elevations of the Base Flood.

Floodway. The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot. For the City of Medford, Bear Creek is the only watercourse with a Regulatory Floodway defined herein.

Floor, Lowest. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a structure's lowest floor, provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the Specialty Codes and Sections 9.701-9.707. The lowest floor of a manufactured dwelling is the bottom of the longitudinal chassis frame beam in A zones.

Grade, Highest Adjacent. The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate (FEMA Form 81-31) for more information.

Improvement, Substantial. Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the Market Value of the structure before the "Start of Construction" of the improvement. This term includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed.

The Market Value of the structure is:

- a. the real market value of the structure prior to the start of the initial repair or improvement; or
- b. in the case of damage, the real market value of the structure prior to the damage occurring.

The term "Substantial Improvement" does not include either:

- a. a project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- b. alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

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Letter of Map Change (LOMC). An official Federal Emergency Management Agency determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

Letter of Map Amendment (LOMA) A revision based on technical data showing that a property was inadvertently included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood Hazard Area;

Letter of Map Revision (LOMR) A revision based on technical data showing, due to manmade alterations, changes to flood zones, flood elevations, or floodplain and Regulatory Floodway delineations. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the Special Flood Hazard Area;

Conditional Letter of Map Revision (CLOMR) A formal review and comment by the Federal Emergency Management Agency as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Specialty Codes. The combined specialty codes adopted under ORS 446.062, 446.185, 447.020(2), 455.020(2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730(1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS Chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. The combined specialty codes are often referred to as building codes.

Structure. A walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.

Structure, Accessory. Same as definition of "Building, accessory" under Section 10.012.

Structure, Historic. A structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

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- i. — By an approved state program as determined by the Secretary of the Interior, or;
- ii. — Directly by the Secretary of the Interior in states without approved programs.

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Use, Water-Dependent. A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a dam or irrigation canal. The term does not include long-term storage, manufacture, sales, or service facilities.

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Variance. A grant of relief from a requirement of Sections 9.701–9.706 by permitting construction in a manner that would otherwise be prohibited by said Sections.

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Vehicle, Recreational. A vehicle that is:

- a. — Built on a single chassis;
- b. — 400 square feet or less when measured at the largest horizontal projection;
- c. — Designed to be self-propelled or permanently towed by a light duty truck, and;
- d. — Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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Violation. The failure of a structure or other development to be fully compliant with the floodplain management regulations of Sections 9.701–9.707. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

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Watercourse. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically. [Added, Sec. 3, Ord. No. 2011-64, Apr. 7, 2011.]

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9.704. Flood Damage Prevention — General Provisions.

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A. Applicability.

Sections 9.701–9.707 shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Medford. Nothing in Sections 9.701–9.707 is intended to allow uses or structures that are otherwise prohibited by the Land Development Code or Specialty Codes.

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B. Basis for Area of Special Flood Hazard.

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The Area of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the City of Medford dated May 3, 2011, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), are adopted by reference and declared a part of Sections 9.701–9.707. The FIS and the FIRM are on file at the offices of the City of Medford, 200 South Ivy Street.

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C. Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division.

Pursuant to the requirement established in ORS 455 that the City administers and enforces the State of Oregon Specialty Codes, the City of Medford does hereby acknowledge that the Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas

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of Special Flood Hazard. Therefore, Sections 9.701–9.707 is intended to be administered and enforced in conjunction with the Specialty Codes.

D. Requirement for a Floodplain Development Permit.

A Floodplain Development Permit shall be required prior to initiating development activities in any Areas of Special Flood Hazard established in Section 9.704(B).

E. Interpretation.

In the interpretation and application of Sections 9.701–9.707, all provisions shall be:

- (1) Considered as minimum requirements; and,
- (2) Deemed neither to limit nor repeal any other powers granted under state statutes, including state Specialty Codes.

F. Warning and Disclaimer of Liability.

The degree of flood protection required by Sections 9.701–9.707 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Medford or any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on Sections 9.701–9.707 or an administrative decision lawfully made hereunder. [Added, Sec. 4, Ord. No. 2011-64, Apr. 7, 2011.]

9.705. Flood Damage Prevention Regulations—Administration.

A. Designation of Floodplain Administrator.

The Building Official is hereby appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of Sections 9.701–9.707.

B. Duties and Responsibilities of the Floodplain Administrator.

Duties of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all proposed development to determine whether it will be located in Areas of Special Flood Hazard or other flood-prone areas;
- (2) Review applications for new development or modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of Sections 9.701–9.707;
- (3) Review proposed development to ensure that necessary permits have been received from governmental agencies from which approval is required by Federal or state law. Copies of such permits shall be maintained on file;
- (4) Review all development permit applications to determine if proposed development is located in the Regulatory Floodway, and if so, ensure that the encroachment standards of SubSection 9.706.B, Development in Regulatory Floodways, are met.
- (5) When Base Flood Elevation data have not been established in SubSection 9.704.B, Basis for Area of Special Flood Hazard, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and Floodway data available from a Federal, state or other authoritative source in order to administer the provisions of Sections 9.701–9.707;

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(6) — When Base Flood Elevations are not available from an authoritative source, the Floodplain Administrator shall require Base Flood Elevations to be developed in accordance with Paragraph 9.706(A)(2);

(7) — When a determination is needed of the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make a determination. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the determination per Section 10.051;

(8) — Issue Floodplain Development Permits when the provisions of Sections 9.701–9.707 have been met, or deny the same in the event of noncompliance;

(9) — Ensure that applications for building permits comply with the requirements of Sections 9.701–9.707;

(10) — Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective Flood Insurance Rate Map, or, in relation to the highest adjacent grade where no Base Flood Elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures, including manufactured dwellings;

(11) — Obtain, verify and record the actual elevation of finished construction, in relation to the vertical datum used on the effective Flood Insurance Rate Map, or highest adjacent grade where no Base Flood Elevation is available, to which any new or substantially improved non-residential buildings or structures have been flood proofed. When flood proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of elevation to which the structure was flood proofed from a registered professional engineer or land surveyor;

(12) — Ensure that all records and certifications pertaining to the provisions of Sections 9.701–9.707 are permanently maintained in the City of Medford Building Safety Department and available for public inspection;

(13) — Make periodic inspections of Areas of Special Flood Hazard to establish that development activities are being performed in compliance with Sections 9.701–9.707, and to verify that existing buildings and structures maintain compliance with Sections 9.701–9.707;

(14) — Inspect areas where buildings and structures in Areas of Special Flood Hazard have been damaged, regardless of the cause of damage, and notify owners that permits may be required prior to repair, rehabilitation, demolition, relocation, or reconstruction of the building or structure; and,

(15) — Make substantial improvement and substantial damage determinations for all structures located in Areas of Special Flood Hazard.

C. Floodplain Development—Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator or designee on forms furnished by the Floodplain Administrator or designee prior to starting development activities. Specifically, the following information is required:

(1) — Application Stage.

a. — Plans drawn to scale, with elevations of the project area, and the nature, location, and dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities;

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b. — Delineation of Areas of Special Flood Hazard, Regulatory Floodway boundaries including Base Flood Elevations, or flood depth in AO zones, where available;

e. — For all proposed structures, elevation of the lowest enclosed area in relation to the highest adjacent grade and the Base Flood Elevation (or flood depth in AO zones), including crawlspace or basement, elevation of the top of the proposed garage slab, if any, and elevation of the next highest floor.

d. — Locations and sizes of all flood openings, if required, in any proposed building;

e. — Elevation to which a non-residential structure will be flood proofed;

f. — Certification from a registered professional engineer that any proposed non-residential flood proofed structure will meet the flood proofing criteria of the National Flood Insurance Program (NFIP) and Specialty Codes;

g. — Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;

h. — Proof that application has been made for necessary permits from other governmental agencies from which approval is required by Federal or state law.

(2) — Construction Stage.

a. — Copies of all necessary permits from other governmental agencies from which approval is required by Federal or state law shall be provided prior to start of construction.

b. — Development activities shall not begin without an approved Floodplain Development Permit;

e. — For all new construction and substantial improvements, the Floodplain Development permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood proofing level immediately after the lowest floor or flood proofing is placed and prior to further vertical construction; and,

d. — Any deficiencies identified by the Floodplain Administrator shall be corrected by the Floodplain Development Permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop work order for the project.

(3) — Certificate of Occupancy.

a. — In addition to the requirements of the Specialty Codes pertaining to Certificate of Occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:

i. — For elevated buildings and structures in Areas of Special Flood Hazard (all A zones), the elevation of the lowest floor, including basement or, where no Base Flood Elevation is available, the height above highest adjacent grade of the lowest floor; and,

ii. — For non-residential buildings and structures that have been flood proofed, the elevation to which the building or structure was flood proofed.

b. — Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a Certificate of Occupancy until such deficiencies are corrected.

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(4) — Expiration of Floodplain Development Permit. A Floodplain Development Permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing.

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D. Watercourse Alterations.

(1) — Development shall not diminish the flood-carrying capacity of a watercourse. If any watercourse will be altered or relocated as a result of the proposed development, the applicant must submit certification by a registered professional engineer that the flood-carrying capacity of the watercourse will not be diminished.

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(2) — The applicant shall be responsible for obtaining all necessary permits from governmental agencies from which approval is required by Federal or state law, including, but not limited to, Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 USC 1334); the Endangered Species Act of 1973 (16 USC 1531–1544); and State of Oregon Department of State Lands regulations.

(3) — If the altered or relocated watercourse is part of an Area of Special Flood Hazard, the applicant shall notify other affected jurisdictions and Oregon Department of Land Conservation and Development (the NFIP Coordinating Agency for Oregon) prior to any alteration or relocation of the watercourse. Evidence of notification must be submitted to the Floodplain Administrator and to the Federal Emergency Management Agency as set forth in Section 9.705(E) below.

(4) — The applicant shall be responsible for ensuring necessary maintenance for the altered or relocated portion of the watercourse is provided so that the flood-carrying capacity will not be diminished.

(5) — The applicant shall meet the requirements to submit technical data in Section 9.705(E) below, when an alteration of a watercourse results in the expansion, relocation or elimination of the Special Flood Hazard Area.

E. Requirement to Submit New Technical Data.

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(1) — Within six months of project completion, an applicant who obtains an approved Conditional Letter of Map Revision from the Federal Emergency Management Agency (FEMA), or whose development alters a watercourse that is part of an Area of Special Flood Hazard, or modifies floodplain boundaries or Base Flood Elevations, shall obtain from FEMA a Letter of Map Revision reflecting the as-built changes to the Flood Insurance Rate Map.

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(2) — It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(3) — Applicants shall be responsible for all costs associated with obtaining a Conditional Letter of Map Amendment or Letter of Map Revision from FEMA.

(4) — When the applicant has demonstrated that the project will or has met all applicable requirements of this Section, the Floodplain Administrator may sign the Community Acknowledgement Form, which is part of the Conditional Letter of Map Amendment or Letter of Map Revision application.

F. Non-Conversion of Enclosed Areas Below the Lowest Floor.

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To ensure that enclosed areas below the lowest floor continue to be used solely for parking vehicles, limited storage, or access to the building, and not be finished for use as human habitation, the Floodplain Administrator shall:

- (1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher; and
- (2) Require those applicants to enter into a "Non-Conversion Deed Declaration for Construction Within Flood Hazard Areas" or equivalent, with the City of Medford. The deed declaration shall be recorded with Jackson County. The deed declaration shall be in a form acceptable to the Floodplain Administrator and City Attorney.

[Added, Sec. 5, Ord. No. 2011-64, Apr. 7, 2011.]

9.706. Flood Damage Prevention Regulations—Flood Hazard Reduction Provisions.

A. Site Improvements and Subdivisions.

All plans and permits for new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes such things as historical data, high water marks, and photographs of past flooding.

- (1) Building lots shall have adequate buildable area outside of Floodways.
- (2) Where Base Flood Elevation data has not been provided or is not available from another authorized source, it shall be generated for land division proposals and other proposed developments.
- (3) New site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities, such as sewer, gas, electric and water systems, located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities, such as sewer, gas, electric and water systems, likewise, shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.
- (4) New and replacement onsite waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, or discharges from them, during flooding.
- (5) Subdivisions and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

B. Development in Regulatory Floodway

- (1) Encroachments are prohibited in the Regulatory Floodway unless a registered professional civil engineer provides a No-Rise Certification.
- (2) Any fill permitted to be placed in the Regulatory Floodway shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour.
- (3) Before the City will permit an encroachment in the Regulatory Floodway that will cause any increase in the base flood elevation, applicants shall obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency, unless the development causes a temporary encroachment and the conditions in (4), below, are satisfied.

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(4) Temporary encroachments in the Regulatory Floodway for the purposes of capital improvement projects (including bridges) require a Floodplain Development Permit. A conditional or final Letter of Map Revision shall not be required. Up to a one-foot rise in the base flood elevation shall be allowed due to temporary encroachments associated with capital improvement projects, when:

- a. The project is limited as to duration, with the days and dates that the structure or other development will be in the Regulatory Floodway specified in the Floodplain Development Permit;
- b. Accessory structures (i.e. construction trailers) are restricted from the Regulatory Floodway;
- c. The project limits placement of equipment and material in the Regulatory Floodway to that which is absolutely necessary for the purposes of the project;
- d. The project includes a flood warning system sufficient to allow equipment to be evacuated from the Regulatory Floodway and placed outside the Area of Special Flood Hazard in the event of imminent flood;
- e. The project applicant identifies any insurable structures affected by temporary changes to the Area of Special Flood Hazard or Base Flood Elevation and notifies owners of any increased risk of flooding; and,
- f. The project applicant is provided with written notification that they may be liable for any flood damages resulting from the temporary encroachment.

C. Zones with Base Flood Elevations but No Regulatory Floodway.

(1) In areas within Zone AE on the community's FIRM where no Regulatory Floodway has been designated, the floodway is the channel of the stream. Encroachments shall be prohibited in the channel or floodway unless all the provisions of 9.706.B are satisfied.

(2) In Areas of Special Flood Hazard, encroachments shall be prohibited unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(3) Applicants of proposed projects that increase the Base Flood Elevation more than one foot shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. As soon as possible, but no later than six months after project completion, an application for a Letter of Map Revision (LOMR) shall be submitted by the applicant to FEMA. The applicant is responsible for paying any costs associated with the CLOMR and LOMR process.

D. Areas of Special Flood Hazard without Base Flood Elevations.

(1) When Areas of Special Flood Hazard have been provided, but Base Flood Elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and/or Flood Insurance Rate Maps, the Floodplain Administrator shall obtain, review, and utilize scientific or historic Base Flood Elevation and Regulatory Floodway data available from a Federal, state, or other source, in order to administer these regulations. If Base Flood Elevations are not available, subSection (3) below shall apply.

(2) Where the Floodplain Administrator has obtained Base Flood Elevation data, Section 9.706(C) and 9.706(E) through (K) shall apply.

(3) In Areas of Special Flood Hazard without Base Flood Elevation data no encroachments shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or 50 feet,

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whichever is greater, measured from the ordinary high water mark of the stream, unless a Base Flood Elevation is developed by a licensed professional engineer.

E.—Building Design and Construction

Buildings and structures, including manufactured dwellings, within the scope of the Building Codes, including repair of substantial damage and substantial improvement of such existing buildings and structures, shall be designed and constructed in accordance with the flood-resistant construction provisions of these codes.

F.—Below-Grade Crawlspace.

Below grade crawlspaces are allowed subject to the following standards as illustrated in FEMA Technical Bulletin 11-01, "Crawlspace Construction for Buildings Located in Special Flood Hazard Areas":

(1) — The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in SubSection (2) below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

(2) — The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(3) — Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

(4) — Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(5) — The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

(6) — The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

(7) — There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel/crushed stone drainage by gravity or mechanical means.

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(8) — The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.

G. — Recreational Vehicles.

In all Areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the land development code must:

- (1) — Be placed on the site for fewer than 180 consecutive days; or,
- (2) — Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition.

H. — Essential Facilities.

Construction of new essential facilities shall be located outside the limits of the Area of Special Flood Hazard, except that construction of new essential facilities shall be permissible within the Area of Special Flood Hazard if no feasible alternative site is available. Flood proofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the Base Flood Elevation shall be provided to all essential facilities to the maximum extent possible.

I. — Tanks.

New and replacement tanks in an Area of Special Flood Hazard shall either be elevated above the Base Flood Elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the Design Flood.

New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the Design Flood.

J. — Fences and Walls

New and replacement fencing in an Area of Special Flood Hazard shall be designed to collapse under conditions of the Base Flood or to allow the passage of water by having flaps or openings in the areas at or below the Base Flood Elevation sufficient to allow flood water and associated debris to pass freely.

K. — Other Development, including Accessory Structures, in High Hazard Areas.

All development in high hazard areas (all A zones) for which provisions are not specified in Sections 9.701–9.707 or building codes, shall:

- (1) — Be located and constructed to minimize flood damage;
- (2) — Be designed so as not to impede flow of floodwaters under Base Flood conditions;
- (3) — If located in a Regulatory Floodway, meet the limitations of Section 9.706.B;
- (4) — Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (5) — Be constructed of flood damage-resistant materials;

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(6) — Have electric service and or mechanical equipment elevated above the Base Flood Elevation (or depth number in AO zones), except for minimum electric service required to address life safety and electric code requirements;

~~(7) — Relief from elevation or dry flood-proofing standards may be granted for new and replacement, or substantially improved accessory structures containing no more than 200 square feet; larger than 200 square feet, building codes apply. Such a structure must meet (1) through (6) of this SubSection, and, in addition, shall meet the following standards:~~

a. — It shall not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;

b. — Toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall not be stored below Base Flood Elevation, or where no Base Flood Elevation is available, lower than three feet above grade, unless confined in a tank installed in compliance with this Section;

e. — It shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect, or:

i. — Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. — The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening; and,

iii. — Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

[Added, Sec. 6, Ord. No. 2011-64, Apr. 7, 2011.]

9.707. Flood Damage Prevention—Variance.

~~Variations from the provisions of Sections 9.701–9.706 may be permitted when there are practical difficulties or unnecessary hardships created in carrying out the provisions. The basis for a variance shall be the physical circumstances or characteristics of a lot; a variance shall not be based on the inhabitants or owners of the property, their economic or financial circumstances, or the condition or situation of structures on the property. The burden is on the applicant to show that the variance is warranted and meets the approval criteria set out herein.~~

The provisions of this Section are not the same as, nor to be confused with, provisions for Exceptions in the Land Development Code.

A variance may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties without regard to the procedures set forth in this Section.

A. Variance—Procedure.

(1) — An application for a variance from the Flood Damage Prevention regulations must be submitted to the Floodplain Administrator on the form provided by the City and shall include, at a minimum, the same information required for a Floodplain Development Permit, and an explanation of the basis for the request for a variance.

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(2) — Variance requests will be heard by the Planning Commission and be processed in the manner of a Class C application, using the Class C procedural requirements in Chapter 10, Article II of the Municipal Code. City will use the same referral agency notification list as is used for Exceptions (Section 10.146).

(3) — Upon consideration of the approval criteria in SubSection B, below, and the purposes of this Section, and finding that the approval criteria can be met, the City approving authority may approve the request and attach such conditions to the granting of a variance as it deems necessary to further the purposes of these regulations.

(4) — The Floodplain Administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

B. Variance Approval Criteria.

(1) — A variance shall not be issued within a Floodway if any increase in flood levels during the Base Flood discharge would result.

(2) — A variance shall only be issued upon the:

a. — Determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

b. — Showing of good and sufficient cause;

c. — Determination that failure to grant a variance from these regulations would result in exceptional hardship to the applicant; and,

d. — Determination that the granting of a variance would not result in increased flood heights, additional threats to public safety, or extraordinary public expense; or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) — In approving a variance, the City approving authority shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Code, and the:

a. — Danger that materials may be swept onto other lands to the injury of others;

b. — Danger to life and property due to flooding or erosion damage;

c. — Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. — Importance of the services provided by the proposed facility to the community;

e. — Necessity to the facility of a waterfront location, where applicable;

f. — Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

g. — Compatibility of the proposed use with existing and anticipated development;

h. — The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;

i. — Safety of access to the property in times of flood for ordinary and emergency vehicles;

j. — Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, expected at the site; and,

k. — Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

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~~(4) A variance may be issued for a water dependent use provided that:~~

- ~~a. the criteria of subsections (1) through (3) of this Section are met; and,~~
- ~~b. the structure or other development is protected by methods that minimize flood damages during the Base Flood and that create no additional threats to public safety.~~

~~C. Variance Decision.~~

~~The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval or denial. If the variance is granted, the property owner shall be put on notice, along with the written decision, that the permitted building will have its lowest floor below the Base Flood Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.~~
[Added, Sec. 7, Ord. No. 2011-64, Apr. 7, 2011.]

STORMWATER EROSION CONTROL

9.800 Stormwater Erosion Control.

A. Purpose.

~~As required by the City's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit, the City does hereby proclaim an ordinance to address Stormwater Erosion Control.~~

B. Applicability.

~~A City of Medford erosion control permit is required for all construction projects that meet criteria established by the Oregon Department of Environmental Quality (DEQ) for a NPDES 1200C permit.~~

C. Standards.

~~Erosion control plans that meet criteria established by DEQ for the 1200C permit shall be submitted for review at the same time as plans for building permits.~~

~~The City of Medford Erosion Control Permit will be issued concurrently with the first building permit or grading permit for the project.~~

~~Erosion control measures as shown on the approved plans shall be in place prior to any earthwork being performed, and shall be maintained for the duration of the project as required by the DEQ Erosion and Sediment Control Manual.~~

[Added, Ord. No. 2012-09, Jan. 19, 2012.]

TANKS

9.810 Tanks

Tanks located outside of a building or structure that contain hazardous materials as defined by the current adopted Oregon Structural Specialty Code and in proximity to buildings and structures regulated

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by such code as to create a hazardous condition to occupants of a building shall be regulated by the City of Medford Building Department.

To determine such hazardous conditions, Chapter 4 of the current adopted Oregon Structural Specialty Code and referenced standards, as well as applicable sections of the current state adopted fire code, shall be used for determining adequate separation type and quantities of hazardous materials contained in tanks for the purpose of maintaining safety to the occupants of a given building or structure.

Other tanks located outside that if structural failure resulted could impose a detrimental load on a building or structure shall also be regulated by the City of Medford Building Department.

The scope of regulation for such tanks shall be limited to structural support of tanks. When determined that hazardous conditions are present, structural support of such tanks shall accommodate all applicable loads as prescribed in Chapter 16 of the current adopted Oregon Structural Specialty Code and referenced standards.

Requirements scoped in the current adopted specialty codes, such as for tanks containing heating oil, shall be regulated by the applicable adopted codes.

This ordinance does not preclude the requirements of other departments such as Planning, Fire and DEQ.

CELL TOWERS

9.820 Cell Towers

Cellular phone, radio, television, and other telecommunication and broadcast towers shall be regulated in accordance with this ordinance.

Such towers and support structures that are existing and not attached to or supported by a regulated building shall not be regulated.

All new towers and support structures are regulated by the current adopted Oregon Structural Specialty Code and referenced design standards to address all imposed structural loads.

Existing cell towers supported by a building or structure with proposed added or shifted loads that cause an increase in gravity loading by more than 5% shall be analyzed by an Oregon licensed design professional to address the proposed loading. The existing structure and its addition, acting together as a single structure, shall be shown to meet the requirements of Chapter 16 of the current adopted Oregon Structural Specialty Code and referenced standards. Any existing lateral load-carrying structural element whose demand-capacity ratio, with the addition considered, is not more than 10% greater than its demand-capacity ratio with the addition ignored, shall be permitted to remain unaltered.

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Existing support structures and equipment that are relocated to another area of the regulated building shall be regulated as a new tower or support structure in accordance with the current adopted Oregon Structural Specialty Code.

FLAG POLES

9.830 Flag Poles

Flag poles extending to a height of more than 30' above the supporting grade shall be designed in accordance with the current adopted Oregon Structural Specialty Code.

Flag poles attached to or supported by a regulated building or structure shall be designed for attachments to the building in accordance with the current adopted structural specialty code. The building, whether new or existing, shall be analyzed and designed to accommodate all imposed loads in accordance with the applicable current adopted specialty codes.

This ordinance does not preclude the requirements of other departments such as Planning.

SIGNS

9.840 Signs

Signs not located in a right-of-way shall be regulated in accordance with this ordinance.

Free standing signs not exceeding 20' in height above the supporting grade shall not be regulated unless the failure of the proposed sign structure could impose a threat to a regulated building or building ingress or egress path.

Signs attached to or supported by a building or structure regulated by the current adopted Oregon Structural Specialty code shall be regulated to ensure that support of and attachment to the building is in accordance with the current adopted Oregon Structural Specialty Code.

This ordinance does not preclude the requirements of other departments such as Planning and ODOT.

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PROPERTY MAINTENANCE CODE

9.900 Adoption of the International Property Maintenance Code.

This article shall be known and may be cited as the Property Maintenance Code of Medford, hereinafter

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referred to as the "IPMC", one copy of which is on file in the City of Medford Police Department, Code Enforcement Division.

[Added Sec. 4, Ord. No. 2016-56, Dec. 1, 2016]

9.901 Additions to the International Property Maintenance Code.

(1) The International Property Maintenance Code, 2012 Edition, published and copyrighted by the International Code Council, Inc., is hereby adopted in its entirety, except as added, repealed or amended below, as an ordinance of the City of Medford, to be administered and enforced along with such further amendments contained herein.

(2) When the phrase "the code official shall" is used in the IPMC with respect to enforcement, it refers to the Manager's discretionary option, rather than a mandatory obligation, to choose the course of action that would be appropriate when a violation of the code is found. The phrase "code official shall" does not impose on the city a mandatory duty to implement particular enforcement procedures.

(3) The following sections are ADDED to the IPMC:

304.13.3 Window Sill Height. Windows in sleeping rooms that are provided to meet emergency escape or rescue requirements shall meet the requirements of the Oregon Residential Specialty Code, Section 310.1.

Exception: Window sill heights constructed in accordance with code requirements in place for sleeping rooms at the time of construction.

304.13.4 Ability to Open. Every window required for ventilation or emergency escape shall be capable of being easily opened and held open by window hardware and shall meet the requirements of the Oregon Residential Specialty Code, Section 310.1.4.

304.13.5 Minimum Dimensions. Windows in sleeping rooms that are required to meet emergency escape or rescue requirements shall meet the requirements of the Oregon Residential

Specialty Code, Section 310.1.1.

Exception: Window dimensions constructed in accordance with code requirements in place for sleeping room at the time of construction. [Added]

705.1 Carbon Monoxide Detectors. Carbon monoxide alarms shall be installed, maintained and repaired in residential units in accordance with the Oregon Residential Specialty Code, Section 315.

(4) The following sections of the IPMC are REPEALED in their entirety:

- 102.6 Historic Buildings.
- 103.3 Deputies.
- 103.5 Fees

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106	Violations
111	Means of Appeal
304.14	Insect Screens.

(5) The following sections of the IPMC are AMENDED to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Medford, hereinafter referred to as the "IPMC." [Amended]

102.3 Application of other codes. Repairs, additions or alterations to a structure, changes of occupancy and all other work required under the IPMC shall be done in accordance with the procedures and provisions of the Oregon Specialty Codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of Chapter 9 of the Medford Municipal Code. [Amended]

SECTION 103 RESPONSIBILITIES FOR PROPERTY MAINTENANCE
INSPECTION [Amended]

103.1 General. Property maintenance inspection is hereby the responsibility of the Medford Police Department. [Amended]

103.4 Liability. The provisions and protections of the Oregon Tort Claims Act, ORS 30.265 et. seq. shall apply to all city officials, agents and employees charged with the enforcement of the IPMC. The IPMC shall not be construed to relieve from or lessen the responsibility of any non-city agent or employee, including but not limited to any owner, owner's agent, builder, contractor, agent or employee of any builder or contractor, or any person owning, operating or controlling any building, structure or premises, for any damages to persons or property caused by defects or violations of this code, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of the inspections authorized by this code or any permits or certificates issued under this code. [Amended]

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than six months, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond six months, unless approved by the building official. [Amended]

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Unified Board of

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Appeals, pursuant to Medford Municipal Code 9.662. [Amended]

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be considered to be committing a violation and will be subject to a notice of civil penalty as prescribed in Medford Municipal Code, Chapter 9.660 (2). [Amended]

201.3 Terms Defined in Other Codes. Where terms are not defined in the IPMC and are defined in the Oregon Specialty Codes and Chapter 9 of the Medford Municipal Code, such terms shall have the meanings ascribed to them as stated in those codes. [Amended]

SECTION 202. GENERAL DEFINITIONS

Where terms are not defined in the IPMC or other code section and are defined in the Oregon Specialty Codes, such terms shall have the meanings ascribed to them as in those codes. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Whenever the words “premises,” “building” or other similar words are stated in the IPMC, they shall be construed as though they were followed by the words “or any part thereof.” Unless otherwise expressly stated, the following terms shall, for the purposes of the IPMC, have the following meanings:

ATTRACTIVE NUISANCE. A condition that can attract children and be detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned buildings, abandoned wells, shafts, basements, excavations, abandoned freezers or refrigerators with self-latching doors, motor vehicles, structurally unsound fences or structures, lumber, trash, fences, debris, or water feature that may prove hazardous for inquisitive minors.

BOARDED BUILDING. An unoccupied or derelict building that has been secured against entry by material such as plywood, boards or other similar material placed over openings that are designed for and/or are required for windows and doors, and which is visible off the premises and is not both lawful and customary to install on an occupied structure.

BUILDING. Any structure occupied or intended for any occupancy.

DERELICT STRUCTURE. Any structure that meets any one of the following:

- (1) unoccupied and unsecured,
- (2) partially constructed without an active building permit,
- (3) maintained in a condition that is an imminent threat to public health and safety.

DETERIORATION. A lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or any other

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evidence of physical decay, neglect, excessive use, or lack of maintenance.

MANAGER. The City Manager or appointed representative(s) who is responsible for supervising, administering and enforcing all aspects of this code.

OWNER.

- 1) The holder of fee title to the property, except the seller on a land sale contract that has not been foreclosed;
- 2) A person who is the purchaser of the property on a land sale contract and who has a current right to possession of the property;
- 3) A person who is obligated on a mortgage loan or trust deed loan secured by the property and has a current right to possession of the property;
- 4) A person who has foreclosed any land sale contract, mortgage, trust deed or lien applicable to the property and has purchased the property at the foreclosure sale; and
- 5) Any successor in interest to any of the persons described in subsections (2) through (4) who has a current right to possession of the property.

PARTIALLY CONSTRUCTED. An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months or after the expiration of any building permit, or that has not had a required permit inspection within any six-month period.

RENEWABLE ENERGY SYSTEM. Systems which produce energy from sources that do not use up finite natural resources. Examples include, but are not limited to, solar, wind, biomass, geothermal, and micro-hydro systems.

UNOCCUPIED. Vacant or not being used for a lawful occupancy. [Amended]

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in accordance with Medford Municipal Code 7.410, 7.420, 7.430 and 7.440. [Amended]

Motor Vehicles. Except as provided for in other provisions of the IPMC, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled pursuant to Medford Municipal Code 5.505 (2). [Amended]

302.8 Defacement of Property. The owner or occupant of the property, or person in charge of property, shall comply with the requirements of Medford Municipal Code 5.519. [Amended]

304.3 Premises identification. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way as required by the Oregon Fire Code, and maintained. [Amended]

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304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes. Glazing with holes, cracks, or that is partially or wholly missing shall be replaced within thirty (30) calendar days of the incident that caused the defect. [Amended]

403.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed in Sections 402 and 403 of this code, artificial light or mechanical ventilation complying with the Oregon Specialty Codes shall be permitted. [Amended]

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system that is in compliance with the Oregon Specialty Codes shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

Exception: Range hoods constructed in accordance with code requirements in place at the time of construction. [Amended]

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the provisions of the Oregon Specialty Codes. [Amended]

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F (49°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom (or in a closet serving that room), or any other occupied room normally kept closed, unless adequate combustion air is provided (exception only applies to "other occupied room".) An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. [Amended]

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room year-round temperature of 68°F (20°C) in all habitable rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section. Portable space heating devices shall not be used to meet the dwelling heat requirements of this code. No inverted or open flame fuel-burning heater shall be permitted. All heating devices or appliances shall be of an approved type. [Amended]

602.3 Heat Supply. Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature.

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[Amended]

602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a year-round temperature of not less than 68°F (20°C) during the period the spaces are occupied. [Amended]

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. Mechanical ventilation systems for range hoods and bathrooms shall be maintained in sound working order meeting manufacturer specifications for operation and function. [Amended]

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the Oregon Specialty Codes. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes. [Amended]

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with the Oregon Elevator Specialty Code. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in the Oregon Elevator Specialty Code, except where otherwise specified by the authority having jurisdiction. [Amended]

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Oregon Specialty Codes. [Amended]

702.2 Aisles. The required width of aisles in accordance with the Oregon Specialty Codes. [Amended]

702.3 Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Oregon Specialty Codes. [Amended]

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Oregon Specialty Codes. [Amended]

704.2 Smoke Alarms. Single or multiple-station smoke alarms shall be installed and

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maintained in Groups- R-2, R-3, R-4 and in dwellings not regulated in Group R, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Oregon Specialty Codes.
[Amended]

[Added Sec. 5, Ord. No. 2016-56, Dec. 1, 2016.]

9.902 Responsibility.

Unless otherwise provided for, the Manager shall be responsible for the ultimate enforcement of all of the provisions of the IPMC. The Manager may appoint such enforcement officers, technical assistants, inspectors and other employees as may be necessary for the administration of the IPMC. For the purpose of the IPMC, any person so appointed will be deemed a "code official" as defined in the IPMC. The Manager is authorized to designate an employee who shall exercise all the powers of the Manager during the temporary absence or disability of the Manager.

Where work is required to be done to correct violations under the IPMC any and all permits required for such work by the Building Code shall be obtained. All final inspections shall be approved for the associated permits prior to the violations being considered resolved.

[Added Sec. 6, Ord. No. 2016-56, Dec. 1, 2016.]

9.903 Modifications.

In the event of extreme hardships involved in carrying out provisions of the IPMC relating to external conditions and derelict structures, the Manager shall have the right to vary or modify the provisions of the IPMC upon application of an owner, provided that the spirit and intent of the law is observed and that the public health and safety is assured.

[Added Sec. 7, Ord. No. 2016-56, Dec. 1, 2016.]

9.904 Emergency Repair.

The use of tarps or similar material for the purpose of an emergency repair, or temporarily in place of a customary building component such as a roof, siding or a door, shall not exceed 90 days in any consecutive 12 month period; provided, however, that this subsection is subject to, and does not supersede, the requirements of the Building Code and Fire Code. The use of tarps or similar material in place of a customary building component is not permitted under the Building Code.

[Added Sec. 8, Ord. No. 2016-56, Dec. 1, 2016.]

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9.905 Weather Proofing and Screens.

Where windows and doors have been sealed by plastic or other materials for weather proofing, said materials shall be maintained in a workmanlike manner. Window and door screens, while not required by the IPMC, shall be maintained in a sound working condition.

[Added Sec. 9, Ord. No. 2016-56, Dec. 1, 2016.]

9.906 Derelict Structures Prohibited.

Derelict structures are prohibited.

[Added Sec. 10, Ord. No. 2016-56, Dec. 1, 2016.]

9.907 Closing and Securing of Derelict Structures.

The Manager may order appropriate measures to render a derelict structure secure from entry. The securing of the structure shall be by methods calculated to render entry very difficult, including, but not limited to, the use of lag screws in the boarding of entry points, instead of nailing. In order to perform the function or duty authorized or required under this section, city representatives and their agents shall have the right at reasonable times to enter upon the property and render a derelict structure secure from entry. If consent to inspect or secure the property is refused, the City shall apply for an inspection warrant. The costs incurred by the city in boarding or securing a derelict structure may be assessed to the property owner and collected as costs of abatement under Medford Municipal Code 5.520.

[Added Sec. 11, Ord. No. 2016-56, Dec. 1, 2016.]

9.908 Derelict Structure Registration.

(1) The Manager shall maintain a list of derelict structures.

(2) The owner of a derelict structure shall register the structure with the Manager within 10 calendar days of the Manager's written direction to register. Registration shall be completed on forms provided by the Manager, and shall include:

- (a) the location of the property;
- (b) the ownership of the property, including address, phone number, and email address;
- (c) the expected period of its vacancy;
- (d) a schedule for inspection and maintenance of the property during the period of vacancy;
- (e) the agent responsible for inspection and maintenance, including address, phone number, and email address;
- (f) a plan for re-occupancy and use of the structure, or its demolition; and
- (g) a provision whereby the owner of the structure shall indemnify, defend and hold the city harmless from any and all claims asserted against the city by third parties stemming from injuries to persons or to property as a result of the condition or accessibility of the structure.

(3) The registration and plan are subject to review and approval by the Manager.

(4) Any change in the information provided pursuant to this subsection shall be given to the Manager within 30 calendar days of the change. When the owner believes the structure is no

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longer derelict the owner shall contact the Manager and request an inspection to determine that the structure is no longer derelict.

[Added Sec. 12, Ord. No. 2016-56, Dec. 1, 2016.]

9.909 Temporary Waivers of Enforcement Action.

(1) The Manager may issue a temporary waiver of enforcement action, which will give a period of time that the Manager determines is reasonable, but no longer than six months, to correct the violations found. The length of time given will depend on several factors, such as the extent and cost of the repairs, seriousness of the conditions, financial capacity of the owner, and the time of year. During the waiver period, the affected residential rental unit(s) may not be occupied.

(2) The Manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership. The Manager may, assist the owner in obtaining information regarding financial or other assistance to make the necessary repairs.

[Added Sec. 13, Ord. No. 2016-56, Dec. 1, 2016.]

9.910 Hardship Waivers of Enforcement Action.

(1) The Manager may issue a hardship waiver of enforcement action only if the owner currently Legally resides on the property. A hardship waiver may be issued only in those instances when the owner is found by the Manager to be over 65 years of age, disabled, or classified as “very low income” under the US Department of Housing and Urban Development (HUD) standards. Hardship waivers shall not exceed three years. The income level of the owner will be reevaluated before the end of the three year waiver period. Application for a hardship waiver must be filed with the Manager in writing. The Manager may require the owner to supply all information necessary to demonstrate the owner’s eligibility for the waiver. The owner must submit a separate application for waiver for each notice of complaint and violation.

(2) The Manager may revoke the waiver if any of the conditions that allowed the owner to qualify for a waiver change. Because the waiver is granted to a specific property owner, the waiver automatically terminates upon change in ownership or tenure of the property.

(3) The owner may reapply for new hardship waivers to become effective at the expiration of the term of any hardship waiver previously granted.

(4) The Manager may assist the owner in obtaining information concerning financial or other assistance to make the necessary repairs.

[Added Sec. 14, Ord. No. 2016-56, Dec. 1, 2016.]

9.911 Penalty and Appeal Rights.

Violation of any section of the IPMC/Oregon Specialty codes shall be subject to the violation, penalties and remedies of Medford Municipal Code Section 9.660 to 9.662.

[Added Sec. 15, Ord. No. 2016-56, Dec. 1, 2016.]

9.912 Liens and Assessments.

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Abatement costs, late payment charges, reinspection fees, or other fees or charges imposed under the IPMC, shall be paid within 30 calendar days of imposition of the fees. The City Council may order that the said charge be imposed as a special assessment against the real property involved. If the Council orders that the charge be assessed against the property, it shall impose the assessment by ordinance, cause the same to be entered in the docket of City Liens, and thereafter the said assessment shall constitute a lien against said property, enforceable in the same manner as liens for street improvements and shall bear interest at the rate specified in section 3.470(2) of the Medford Code, beginning 15 days after the entry of the lien in the lien docket.
[Added Sec. 16, Ord. No. 2016-56, Dec. 1, 2016.]

9.913 Application of Other Codes.

Nothing in the IPMC shall be construed to relieve a person from complying with any federal, state or local law, including any other provisions of the Oregon Specialty Codes, or the requirement to obtain all necessary permits and approvals.
[Added Sec. 17, Ord. No. 2016-56, Dec. 1, 2016.]

9.914 Coordination of Enforcement.

The Manager shall make reasonable effort to arrange for the coordination of enforcement efforts and any necessary inspections in an effort to minimize conflicts between the activities of affected city departments.
[Added Sec. 18, Ord. No. 2016-56, Dec. 1, 2016.]